4792. Also, petition of Oxford Dress Co., New York, opposing the manufacturers' sales tax; to the Committee on Ways and Means.

4793. Also, petition of New York Typographical Union, No. 6, favoring the Connery bill, H. R. 7926; to the Committee on Labor.

4794. By Mr. SELVIG: Petition of 80 members of the American Legion Auxiliary, No. 27, Warren, Minn., urging enactment of widows and orphans' bill without the "need" clause; to the Committee on World War Veterans' Legislation.

4795. Also, petition of Adolph Bakke, of Newfolden, Minn., supporting various proposals aiding widows and orphans and the World War veterans; to the Committee on World War Veterans' Legislation.

4796. Also, petition of J. M. Paulson and Simon Ellefson, of Lancaster, Minn., urging immediate cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

4797. Also, petition of Charles F. Lotterer and 29 other veterans of Perham, Minn., urging cash payment of face value of adjusted-compensation certificates; to the Committee on Ways and Means.

4798. By Mr. SNOW: Petition of G. L. Newcomb and other citizens of Westfield, Me., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

4799. Also, petition of H. W. Braley and other citizens of Mapleton, Me., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

4800. By Mr. SUTPHIN: Petition of Allied Theater Owners of New Jersey (Inc.), opposing admission tax on theater tickets; to the Committee on Ways and Means.

4801. Also, petition of the Board of Education of Jamesburg, N. J., opposing the sales tax on oil; to the Committee on Ways and Means.

4802. Also, petition presented by the Chamber of Commerce of New Brunswick, N. J., opposing tax burdening the use of highways; to the Committee on Interstate and Foreign Commerce.

4803. By Mr. SWANSON: Petition of O. B. Walters, Edna Whitney, William R. Allis, and others, favoring the imposition of a tax on imported gasoline, fuel oil, and crude oil; to the Committee on Ways and Means.

4804. By Mr. SWICK: Petition of J. Wilbur Randolph Post, No. 157, American Legion, Ellwood City, Lawrence County, Pa., R. Wayne Baird, adjutant, requesting the Government of the United States of America cause to be paid to all persons holding adjusted-compensation certificates of the United States the principal sums of money represented thereby or to become due thereby by proper legislative enactment authorizing such payments to be made, and that immediate steps be taken looking to the preparation and passage of required Federal legislation authorizing and directing immediate payment of World War adjusted-compensation certificates; to the Committee on Ways and Means.

4805. By Mr. TEMPLE: Petition of a number of residents of Avella, Washington County, Pa., supporting the Davis-Kelly bill to regulate interstate and foreign commerce in bituminous coal; to the Committee on Interstate and Foreign Commerce.

4806. Also, petition of M. F. Warner, of Langeloth, Pa., advocating a tariff on copper; to the Committee on Ways and Means.

4807. By Mr. TIERNEY: Petition protesting against a tax on crude petroleum and petroleum products, including fuel oils; to the Committee on Ways and Means.

4808. Also, petition protesting against a tax on imported crude oil and gasoline; to the Committee on Ways and Means.

4809. Also, petition protesting against Federal taxation and reduction of maintaining Federal Government; to the Committee on Ways and Means.

4810. Also, petition urging a change in the prohibition law; to the Committee on the Judiciary.

4811. Also, petition protesting against the enactment of Senate Concurrent Resolution 11 and House Concurrent Resolution 16, reduction of Federal maintenance, etc.; to the Committee on Agriculture.

4812. Also, petition favoring protection of grizzly and brown bears of Admiralty Island, Alaska; to the Committee on Agriculture.

4813. Also, petition protesting against the sales tax; to the Committee on Ways and Means.

4814. By Mr. WILLIAMS of Texas: Petition of the Democratic Territorial central committee of Honolulu, Hawaii, opposing any and all measures which discriminate against the people of Hawaii and favor the employing of Filipinos on plantations instead; to the Committee on Insular Affairs.

SENATE

WEDNESDAY, MARCH 23, 1932

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, who dost bind us to life by sweet and holy ties, twining the tendrils of our hearts around loved ones and friends; make us so to love the blessed things Thou dost impart by voices and by silences, in moments of illumination and in hours of obscurity, through pleasure and through pain, in the labor to which we are compelled and in the sickness that interrupts our labor, in the experience that brings strength and in the temptation that lays bare our weakness, that being taught of Thee from day to day we may be found faithful in every relationship of life.

Speak peace to the hearts of all who are afflicted or distressed in our beloved Southland, and do Thou comfort and relieve them according to their several necessities, giving them patience under their sufferings and a happy issue out of all their afflictions.

We ask it for the sake of Him whom Thou hast sent to bear our griefs and carry our sorrows, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Costigan	Jones	Robinson, Ind.
Austin	Couzens	Kean	Schall
Bailey	Dale	Kendrick	Sheppard
Bankhead	Davis	Keyes	Shipstead
Barbour	Dickinson	King	Smith
Barkley	Dill	Lewis	Steiwer
Bingham	Fess	Logan	Thomas, Idaho
Black	Fletcher	McGill	Thomas, Okla.
Blaine	Frazier	McKellar	Townsend
Borah	George	McNary	Trammell
Bratton	Glass	Metcalf	Vandenberg
Brookhart	Glenn	Morrison	Wagner
Broussard	Goldsborough	Moses	Walcott
Bulkley	Gore	Neely	Walsh, Mass.
Bulow	Harrison	Norbeck	Walsh, Mont.
Byrnes	Hatfield	Norris	Waterman
Capper	Hayden	Nye	Watson
Caraway	Hebert	Oddie	Wheeler
Carey	Howell	Pittman	White
Coolidge	Hull	Reed	
Copeland	Johnson	Robinson, Ark.	

Mr. TOWNSEND. I desire to announce that my colleague the senior Senator from Delaware [Mr. HASTINGS] is unavoidably detained from the Senate. I will let this announcement stand for the day.

Mr. SHEPPARD. I wish to announce that my colleague the junior Senator from Texas [Mr. CONNALLY] is necessarily absent because of a death in his family.

Mr. GEORGE. My colleague the senior Senator from Georgia [Mr. HARRIS] is still detained from the Senate because of illness. I will let this announcement stand for the day.

Mr. GLASS. I wish to announce that my colleague the senior Senator from Virginia [Mr. SWANSON] is absent in attendance upon the disarmament conference at Geneva.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by Post No. 2210, Ste. Genevieve, and Jackson County Council, of Kansas City, both of the Veterans of Foreign Wars of the United States, in the State of Missouri, protesting against the proposed consolidation of the War and Navy Departments, which were referred to the Committee on Military Affairs.

He also laid before the Senate a resolution adopted by Jackson County Council, Veterans of Foreign Wars of the United States, of Kansas City, Mo., favoring the maintenance of the Navy at the full strength permitted by the London and Washington treaties, which was referred to the Committee on Naval Affairs.

He also laid before the Senate a memorial of the administrative committee, School of Medicine, of the University of Kansas, of Lawrence, Kans., remonstrating against the passage of legislation prohibiting experiments upon living dogs in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also laid before the Senate resolutions adopted by the General Court of Massachusetts, favoring an amendment of the Constitution giving to Congress the power, by appropriate legislation, to regulate the hours of labor and to make uniform such hours throughout the United States, which were referred to the Committee on the Judiciary. (See resolutions printed in full when presented by Mr. WALSH of Massachusetts on the 21st instant, p. 6517, CONGRESSIONAL RECORD.)

He also laid before the Senate a resolution adopted by Group No. 1569 of the Polish National Alliance of Conemaugh, Pa., favoring the passage of legislation providing for proclaiming October 11 in each year General Pulaski's Memorial Day, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by New York Typographical Union, No. 6, of New York City, protesting against the adoption of the so-called manufacturers' sales tax, which was referred to the Committee on Finance.

He also laid before the Senate a concurrent resolution of the Legislature of the State of South Carolina, favoring the cash payment of World War adjusted-service certificates, which was referred to the Committee on Finance. (See resolution printed in full when presented by Mr. SMITH on the 22d instant, p. 6616, CONGRESSIONAL RECORD.)

He also laid before the Senate a resolution adopted by George Washington Post, No. 1, Allied Veterans of National Homes and Hospitals of America, of Johnson City, Tenn., favoring the cash payment of World War adjusted-service certificates, which was referred to the Committee on Finance.

He also laid before the Senate a letter in the nature of a petition from the chairman of the Tom Mooney Pardon Conference of New York, of New York City, praying for the printing of the so-called Wickersham report on the Mooney-Billings case, which was ordered to lie on the table.

Mr. ASHURST presented a petition of sundry citizens of Yuma County, Ariz., praying for the passage of legislation to relieve miners and prospectors from doing assessment work upon their mining claims for the year 1931–32, which was referred to the Committee on Mines and Mining.

Mr. BLAINE presented a resolution adopted by the Woman's Christian Temperance Union of Oshkosh, Wis., protesting against the proposed resubmission of the eighteenth amendment of the Constitution, and favoring the making of adequate appropriations for law enforcement and education in law observance, which was referred to the Committee on the Judiciary.

Mr. COSTIGAN presented resolutions adopted by the congregation of the Methodist Episcopal Church of Florence, representing 137 people; the Christian Church of Englewood, by J. D. Pontius, pastor, representing 56 people; the Bethel Methodist Church, of Pueblo, representing 400 people; the Park Hill Woman's Christian Temperance Union, of Pueblo, representing 62 people; the Woman's Christian Temperance Union of Haxtun (74 names being affixed thereto), and the Woman's Christian Temperance Union of Trinidad, representing 78 people, and signed by Mrs. Nels Benston, president, and Mrs. E. C. Parr, secretary, all in the State of Colorado, protesting against the proposed resubmission of the eighteenth amendment of the Constitution to the States, and favoring the making of adequate appropriations for law enforcement and education in law observance, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 1058) repealing various provisions of the act of June 15, 1917, entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes" (40 Stat. L. 217), reported it without amendment and submitted a report (No. 442).

Mr. COUZENS, from the Committee on Interstate Commerce, to which was referred the bill (S. 97) to protect trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, brand, or name, reported it without recommendation and submitted a report (No. 441) thereon.

Mr. VANDENBERG, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 8379. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo. (Rept. No. 443);

H. R. 8394. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near St. Charles, Mo. (Rept. No. 444);

H. R. 8396. An act to extend the times for commencing and completing the construction of a bridge across the Rock River at or near Prophetstown, Ill. (Rept. No. 445);

H. R. 8506. An act to extend the times for commencing and completing the construction of a bridge across the Mahoning River at New Castle, Lawrence County, Pa. (Rept. No. 446);

H. R. 8696. An act to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River near Alexandria Bay, N. Y. (Rept. No. 447);

H. R. 9264. An act to extend the times for commencing and completing the construction of a free highway bridge across the St. Francis River at or near Madison, Ark., on State Highway No. 70 (Rept. No. 448); and

H. R. 9266. An act to extend the times for commencing and completing the construction of a bridge across the St. Francis River at or near Lake City, Ark. (Rept. No. 449).

EXECUTIVE REPORTS OF THE FOREIGN RELATIONS COMMITTEE

As in executive session,

Mr. BORAH, from the Committee on Foreign Relations, reported favorably the following nominations:

Robert P. Joyce, of California, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America; and

Halleck L. Rose, of Nebraska, to be a Foreign Service officer, unclassified, a vice consul of career, and a secretary in the Diplomatic Service of the United States of America.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McGILL:

A bill (S. 4183) granting an increase of pension to Frederica Hardten; to the Committee on Pensions.

By Mr. ROBINSON of Arkansas:

A bill (S. 4184) to restore the right to compensation to Roberta K. Dillon; to the Committee on Finance.

By Mr. SMITH:

A bill (S. 4185) granting an increase of pension to Allan H. Browning; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 4186) to provide for a uniform system of accounts for Indian affairs, and for other purposes;

A bill (S. 4187) to provide for an accounting of Indian funds in the hands of the United States; and

A bill (S. 4188) relating to fees charged in connection with the administration of certain Indian land; to the Committee on Indian Affairs.

By Mr. DILL:

A bill (S. 4189) granting a pension to Richard J. Queener (with accompanying papers); to the Committee on Pensions.

By Mr. STEIWER:

A bill (S. 4190) for the relief of Thomas E. Reed; to the Committee on Military Affairs.

A bill (S. 4191) authorizing a preliminary examination and survey of Chetco Cove, Oreg.; to the Committee on Commerce.

A bill (S. 4192) for the relief of Fred Willie Arndt; to the Committee on Naval Affairs.

By Mr. BINGHAM:

A bill (S. 4193) to authorize the issuance of bonds by the St. Thomas Harbor Board, Virgin Islands, for the acquisition or construction of a graving or dry dock; to the Committee on Territories and Insular Affairs.

By Mr. CAREY:

A bill (S. 4194) granting an increase of pension to Melinda Morford (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4195) to authorize the city of Fernandina, Fla., under certain conditions, to dispose of a portion of the Amelia Island Lighthouse Reservation; to the Committee on Commerce.

By Mr. DAVIS:

A bill (S. 4196) extending the time for awarding medals of honor, distinguished-service crosses, and distinguished-service medals, etc.; to the Committee on Military Affairs.

By Mr. WATSON:

A bill (S. 4197) granting a pension to Katherine Elizabeth Holmes; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4198) granting a pension to Nannie L. Collier (with accompanying papers); to the Committee on Pensions.

A bill (S. 4199) to authorize the design, construction, and procurement of one detachable-combination aircraft suitable for transport purposes for the Army Air Corps; to the Committee on Military Affairs.

By Mrs. CARAWAY:

A bill (S. 4200) for the relief of Benjamin H. Southern; to the Committee on Military Affairs.

A bill (S. 4201) granting a pension to Anna J. Darby; and

A bill (S. 4202) granting an increase of pension to Henry W. McLain; to the Committee on Pensions.

By Mr. METCALF:

A joint resolution (S. J. Res. 127) authorizing appropriations for the maintenance by the United States of membership in the International Council of Scientific Unions; to the Committee on Education and Labor.

CHANGES OF REFERENCE

Mr. DILL. Mr. President, yesterday I introduced the bills (S. 4173) for the relief of Dennis F. Collins, and (S. 4174) for the relief of John E. Meehan, and by mistake they were referred to the Committee on Military Affairs. The bills should go to the Committee on Naval Affairs, and I ask unanimous consent that the Committee on Military Affairs be discharged from their consideration and that they be referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Without objection, the changes of reference will be made.

RELIEF OF DISTRESSED CITIZENS

The VICE PRESIDENT. The Chair lays before the Senate a motion coming over from a previous day, which will be stated.

The CHIEF CLERK. The Senator from Oklahoma [Mr. THOMAS] moves to discharge the Committee on Military Affairs from the further consideration of the joint resolution (S. J. Res. 80) authorizing the Secretary of War to furnish equipment, goods, and supplies to governors and acting governors for use in aid of distressed citizens.

Mr. THOMAS of Oklahoma. Mr. President, on yesterday I entered a motion to discharge the Committee on Military Affairs from the further consideration of Senate Joint Resolution 80. I now call up that motion. In support of the motion and giving the basis for the suggested legislation I submit for the RECORD a telegram sent me by Carl C. Magee, of the Oklahoma News. I ask that the telegram may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

OKLAHOMA CITY, OKLA.

Senator ELMER THOMAS,
Care Senate Chamber:

Oklahoma City faced with serious problem housing dependent families. Have leased 100 acres and establishing temporary camp, in which hope house approximately 350 families now living in every type of shack, all undesirable and threatening entire city because unsanitary health conditions. Centralized camp to be under the jurisdiction of the city government. Local community fund authorities and unemployment relief committee have taken the matter up with Governor Murray and General Barrett, who indorsed plan and have asked War Department through Colonel Haskell to supply the following equipment: Four hundred pyramidal tents, 1,000 regulation Army cots, 1,000 regulation Army blankets, 2 regulation Army field kitchens, 6 regulation Army field ranges, 6 regulation G. I. cans, 400 Sibley tent stoves and necessary pipe, 1 regulation delouser. Colonel Haskell advises regulations make impossible to issue only required blankets and cots. Absolutely imperative we have entire equipment. We would need equipment for approximately five months. Also imperative we receive this equipment either from Fort Sam Houston or Fort Sill not later than this week. Your assistance and influence in making possible to issue this Federal equipment to this city will be greatly appreciated. Please advise by wire.

CARL C. MAGEE,
Editor the Oklahoma News.

Mr. THOMAS of Oklahoma. Mr. President, the facts are that the committee of Oklahoma City had already telegraphed the Secretary of War asking for some equipment to take care of the unemployed, and the Secretary had turned down in part the application. I ask to have read a a copy of the message from the Secretary of War addressed to Mr. Magee, the chairman of the special committee in Oklahoma City.

The VICE PRESIDENT. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

JANUARY 12, 1932.

CARL C. MAGEE,
Editor Oklahoma News, Oklahoma City, Okla.:

Reference your telegram January 9 requesting various articles of Army equipment for alleviating housing and unemployment problem your city, War Department has instructed all corps area commanders to cooperate with local authorities in extending relief to fullest extent along following lines: Loan of cots and blankets, when available, to charitable organizations upon request of governor of any State. Sale of salvaged clothing, when available, at nominal prices to charitable organizations as well as sale of certain surplus clothing at fixed reduced prices. Speeding up of construction and maintenance work whenever possible within limits of appropriations made by Congress. Department's program is necessarily limited to that outlined above in absence of congressional authority. Regretted that all items desired by you can not be supplied. Stocks of such equipment have been greatly depleted during past few years on account of relief work incident to floods and droughts.

PATRICK J. HURLEY, *Secretary of War.*

Mr. THOMAS of Oklahoma. Mr. President, at this point I call attention to one line in this telegram. I read the excerpt in answer to the statement made yesterday by the chairman of the committee that he had been advised by the Secretary of War that the Secretary had ample authority to do all the things that were asked to be done and that could be done or were necessary to be done. In his reply to a committee of my State the Secretary of War states that he could not furnish certain equipment because of the absence of congressional legislation. The exact language is as follows:

Department's program is necessarily limited to that outlined above in absence of congressional authority.

Mr. President, when the situation was called to my attention, in order to give the Secretary of War the authority that he evidently desired, I introduced Senate Joint Resolution No. 80. The joint resolution does not propose to direct the Secretary of War to do anything; it does propose, however, to give him the authority to do those things that he wants to do, in order to take care of communities in distress. On the 15th of January, immediately following receipt of the communication from the Secretary of War, the resolution was introduced. I ask that the text of the joint resolution as originally introduced be made a part of my remarks, but I shall not ask that it be now read.

The VICE PRESIDENT. Without objection, that order will be made.

The joint resolution (S. J. Res. 80) authorizing the Secretary of War to furnish equipment, goods, and supplies to governors and acting governors for use in aid of distressed citizens, as originally introduced, is as follows:

Resolved, etc., That upon the request from any governor or acting governor of any State, Territory, or possession of the United States, for equipment, goods, and supplies, the Secretary of War is hereby authorized to make available to any such governor or acting governor, such equipment, goods, and supplies, for the use and benefit of any such State, Territory, or possession, in connection with relief work for citizens in distress: *Provided*, That the Secretary of War shall make and promulgate rules and regulations for carrying into effect the provisions of this resolution.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. THOMAS of Oklahoma. I yield.

Mr. NORRIS. The joint resolution is short, is it not?

Mr. THOMAS of Oklahoma. Yes.

Mr. NORRIS. I myself should like to hear the joint resolution read, for I am not familiar with it.

Mr. THOMAS of Oklahoma. The reason I am not asking that the joint resolution may now be read is that it was referred to a subcommittee and the subcommittee struck out all after the resolving clause and reported a substitute which to me was satisfactory. For that reason, while the subject is the same, the text is slightly changed.

Mr. NORRIS. If the Senator will have the amended joint resolution read that will be satisfactory to me.

Mr. THOMAS of Oklahoma. I will do so in a moment. I am trying to give the history of this proposed legislation.

The joint resolution was by the Committee on Military Affairs in the usual course of business sent to the War Department for a report. The Secretary of War, as is his custom and conforming to our practice, sent a report to the chairman of the committee. I send to the desk a copy of the report of the Secretary of War and ask that it may be read.

The VICE PRESIDENT. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

JANUARY 20, 1932.

Hon. DAVID A. REED,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SENATOR REED: Careful consideration has been given to the bill (S. J. Res. 80) authorizing the Secretary of War to furnish equipment, goods, and supplies to governors and acting governors for use in aid of distressed citizens, transmitted to the War Department under date of January 19, 1932, with a request for information and the views of the department relative thereto.

There are no applicable provisions of existing law on this subject. The effect of the proposed bill, if enacted, while legalizing the use of Army property for unemployment relief would result in numerous demands upon the War Department from the executives of States for supplies and equipment which the department could not meet.

To aid in alleviating distress resulting from the present general unemployment situation the Secretary of War has taken the responsibility of issuing instructions to all corps-area commanders to cooperate to the fullest extent with local authorities in extending unemployment relief as far as the available resources of the War Department will permit by authorizing:

a. The loan of cots and blankets, when available, to recognized charitable organizations upon the request of the governor of any State;

b. The sale of salvaged clothing, when available, at nominal prices to charitable organizations as well as the sale of certain surplus clothing at fixed reduced prices.

Other than as noted in *a* and *b* above, stocks of Army supplies and equipment, including food, consist only of those required for the current supply of the Army, or for maintenance of the prescribed war reserve. With but one or two exceptions, none of the items comprising the war reserve are suitable for unemployment-relief purposes. Any reduction in such stocks, or of those required for the current supply of the Army would necessitate immediate replacement. Such replacement could be effected only by a corresponding increase in Army appropriations, and the proposed bill makes no provision for such purpose.

For the reasons stated above, the department does not favor the passage of the proposed bill.

Sincerely yours,

PATRICK J. HURLEY, *Secretary of War.*

Mr. THOMAS of Oklahoma. Mr. President, as I proceed I desire, if I may, to present the cumulative evidence upon the point that I desire to call attention to later. In the message to the committee in Oklahoma City the Secretary of War stated that he had no congressional authority to furnish these supplies. In his report on the joint resolution he states that there is no law on the subject.

After his report was received by the Committee on Military Affairs, I personally appeared before the committee and made a brief statement. I want to say in behalf of the chairman of the committee that he was ill at that time and was not present, but shortly thereafter the joint resolution was referred to a subcommittee, of which, if I remember correctly, the distinguished junior Senator from Wyoming [Mr. CAREY] was named chairman. In due course of time the subcommittee considered the resolution together with the report of the War Department on such resolution. The only difference between the joint resolution introduced by me and the report of the War Department was that the measure I introduced made no provision that, in the event supplies were furnished, the department should be reimbursed for such supplies. So the Secretary of War suggested, if such supplies were to be used for the purpose of taking care of people in distress, that there should be some plan provided whereby the department could be reimbursed for the cost or the value of such supplies. So the subcommittee submitted a report, embracing the same subject matter, but with a provision that, in the event application was made by the governor of a State to the Secretary of War and supplies were furnished, the Secretary of War should submit a report to the succeeding Congress and ask for an appropriation to reimburse the department for the supplies so furnished.

Mr. President, I ask that the clerk may read the copy of the amended joint resolution as reported by the Military Affairs Committee.

The VICE PRESIDENT. Without objection, the Secretary will read.

The CHIEF CLERK. The committee reported to strike out all after the resolving clause of Senate Joint Resolution No. 80 and in lieu thereof to insert:

That whenever by reason of storm, flood, famine, earthquake, or other emergency, considerable numbers of the people of any State, Territory, or dependency of the United States are rendered destitute or in peril of death or suffering from starvation, natural violence, or exposure to the elements, the Secretary of War is hereby authorized, in his discretion, and under such regulations as he shall prescribe, and at the request of the chief executive of the State or Territorial government concerned, to employ such military forces, equipment, transportation, services, and supplies of the United States as are available for such emergency relief measures as the said Secretary shall deem appropriate; and the Secretary of War shall annually submit to Congress, through the Bureau of the Budget, estimates to cover the amounts necessary to be appropriated to reimburse the War Department for the funds expended and the property and equipment used, lost, damaged, or destroyed in carrying out the provisions of this resolution.

Mr. THOMAS of Oklahoma. At this point, Mr. President, I ask to have inserted in the RECORD the complete text of the report submitted by the committee.

The VICE PRESIDENT. Without objection, it is so ordered.

The report (No. 194) is as follows:

The Committee on Military Affairs, to which was referred Senate Joint Resolution 80, authorizing the Secretary of War to furnish equipment, goods, and supplies to governors and acting governors for use in aid of distressed citizens, having considered the same, reports favorably thereon with the recommendation that it do pass, amended as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That whenever by reason of storm, flood, famine, earthquake, or other emergency, considerable numbers of the people of any State, Territory, or dependency of the United States are rendered destitute or in peril of death or suffering from starvation, natural violence, or exposure to the elements, the Secretary of War is hereby authorized, in his discretion, and under such regulations as he shall prescribe, and at the request of the chief executive of the State or Territorial government concerned, to employ such military forces, equipment, transportation, services, and supplies of the United States as are available for such emergency relief measures as the said Secretary shall deem appropriate; and the Secretary of War shall annually submit to Congress, through the Bureau of the Budget, estimates to cover the amounts necessary to be appropriated to reimburse the War Department for the funds expended and the property and equipment used, lost, damaged, or destroyed in carrying out the provisions of this resolution."

Amend the title so as to read:

"To authorize the Secretary of War to employ military forces and property for emergency relief."

The report of the Secretary of War on the original resolution is made a part of this report and is printed below.

The committee believes that the amendments offered will overcome the objections of the department.

WAR DEPARTMENT,
Washington, D. C., January 20, 1932.

Hon. DAVID A. REED,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SENATOR REED: Careful consideration has been given to the bill (S. J. Res. 80) authorizing the Secretary of War to furnish equipment, goods, and supplies to governors and acting governors for use in aid of distressed citizens, transmitted to the War Department under date of January 19, 1932, with a request for information and the views of the department relative thereto.

There are no applicable provisions of existing law on this subject. The effect of the proposed bill, if enacted, while legalizing the use of Army property for unemployment relief, would result in numerous demands upon the War Department from the executives of States for supplies and equipment which the department could not meet.

To aid in alleviating distress resulting from the present general unemployment situation, the Secretary of War has taken the responsibility of issuing instructions to all corps-area commanders to cooperate to the fullest extent with local authorities in extending unemployment relief as far as the available resources of the War Department will permit by authorizing:

(a) The loan of cots and blankets, when available, to recognized charitable organizations upon the request of the governor of any State.

(b) The sale of salvaged clothing, when available, at nominal prices to charitable organizations, as well as the sale of certain surplus clothing at fixed reduced prices.

Other than as noted in (a) and (b) above, stocks of Army supplies and equipment, including food, consist only of those required for the current supply of the Army or for maintenance of the prescribed war reserve. With but one or two exceptions, none of the items comprising the war reserve are suitable for unemployment relief purposes. Any reduction in such stocks or of those required for the current supply of the Army would necessitate immediate replacement. Such replacement could be effected only by a corresponding increase in Army appropriations, and the proposed bill makes no provision for such purpose.

For the reasons stated above, the department does not favor the passage of the proposed bill.

Sincerely yours,

PATRICK J. HURLEY,
Secretary of War.

Mr. THOMAS of Oklahoma. Mr. President, the only difference between the original joint resolution and the amended joint resolution is that in its amended form it provides that, in the event the War Department is called upon to furnish and does actually furnish some tents or some cots or some clothing or some medicine or some food to a stricken community, when the next Congress convenes a report of the matter shall be submitted, with an estimate of the cost, and the Congress will be asked to appropriate the money to reimburse the department for such supplies.

Mr. President, the joint resolution as amended was reported to the Senate, with a formal report, and placed on the calendar. I was not present when the report was made. If I had been, I would have asked unanimous consent for the immediate consideration of the joint resolution; but before we had a morning hour, before the joint resolution could be brought up again when I was not present, the joint resolution was recommitted to the Committee on Military Affairs.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. THOMAS of Oklahoma. I yield.

Mr. NORRIS. Was the report from the Military Affairs Committee a favorable report?

Mr. THOMAS of Oklahoma. It was from the subcommittee to the committee——

Mr. NORRIS. I mean from the full committee to the Senate?

Mr. THOMAS of Oklahoma. The report from the subcommittee was favorable, and the report from the full committee was favorable. As to the vote in the committee, or whether there was a vote, of course, I am not advised.

After the joint resolution was recommitted to the committee I took occasion to confer with the chairman, suggested my continued interest in this proposed legislation, and asked as a special favor that the joint resolution be brought back to the floor, if not with a favorable report, then with an unfavorable report. That is all I could ask at any time.

The evidence is clear before the Senate; the Secretary of War has stated in two communications that he has not the authority of law to furnish stricken communities with certain kinds of equipment necessary to afford relief in times of emergencies.

Mr. President, because I do not desire to force the Secretary of War or any other responsible official to break the law in rendering assistance to stricken areas, I have introduced this bill, and I have made a motion that it be withdrawn from the Committee on Military Affairs and placed upon the calendar for further consideration by the Senate.

I ask for a record vote upon my motion.

Mr. REED. Mr. President, I assume full responsibility for asking that this bill be recommitted. I desire to make a short statement in explanation of my action.

There is not any particularly serious question involved in the bill. As a matter of fact, the Army realizes that it exists for the purpose of serving the people of the United States. Naturally, if an emergency exists, the Army, without waiting for legislative authority, takes such steps as it can to deal with it. The Army will not wait for Congress to authorize it to restore order somewhere. It will not wait for Congress to authorize it to give of its supply to prevent starvation, or freezing, or something like that happening to a stricken group of people in the United States. As I say, the Army exists to serve the people of the United States, and it will do it whether we pass authorizing, liberalizing statutes or not.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield there?

Mr. REED. I yield.

Mr. ROBINSON of Arkansas. What I can not understand is the fact that the Senator seems to take the position that it is better to leave the War Department to exercise a discretion without authority of law than to give the department the authority.

Mr. REED. Yes, Mr. President.

Mr. ROBINSON of Arkansas. Why?

Mr. REED. That seems a strange attitude, and that is what I rose to express.

Mr. ROBINSON of Arkansas. I do feel that it is a strange attitude for a great lawyer to assume.

Mr. REED. If I may anticipate myself, I am going to end by agreeing, as far as I can, that the joint resolution may be reported now and the committee discharged and the joint resolution put on the calendar; but I desire to

make this statement. Possibly I am talking to somebody beyond the Senate Chamber—somebody who wants to understand why it is that I am always denying relief.

The Army does that now. It advances cots, and it advances blankets, and it advances supplies, where it can, because of that conception of its function to serve the public. But when we put this joint resolution on the statute books we are issuing an invitation to the people of the United States to treat the Army as if it were the Red Cross. Every year it becomes harder to keep up the Army appropriations. Every year the pacifist sentiment grows, and every dollar that is appropriated for the Army is bitterly resented by a great many people. You can not explain to the man out in the distant country who criticizes an Army appropriation that this $100,000 had to be appropriated because the Army gave it to starving people in some flood or cyclone or other disaster. We are called militaristic for every dollar we appropriate for the poor old Army; and that is why I dread to see the Army treated as if it were the Red Cross.

When we appropriate money for the Red Cross, that is considered praiseworthy; and yet we put on the books statutes like this, which in effect make the Army a qualified social-service organization, a qualified charity organization, thereby making it just that much harder for us to keep up the military efficiency of the Army.

That is my only objection to this measure. These people can have the cots, and the Secretary of War will be glad to advance them if he has them. It is not that we want to prevent the relief. I sometimes think that there are parts of this country in which anybody who bumps his nose howls to the Federal Government for relief, and I think we have gone too far on that point; but I am not up here to criticize that.

Mr. ASHURST. Parts only, Mr. President?

Mr. REED. Yes; up in my State we do not—I mean, excepting certain present public officials who howl for Federal relief instead of doing their own work. Generally speaking, however, the people of my State try to take care of distress there by their own local charities. I think in some places there is a disposition to lean too heavily on Washington; but that is a big question, and I do not mean to take the time of the Senate about it.

I merely want to explain why I hesitate to see us put on the statute books a provision that is tantamount to an invitation to treat the Army as if it were the Red Cross. It is not that I object to giving the relief where we can do it. I object to anything that looks as though that were the Army's primary function; and I am thinking a little bit in anticipation of the trouble that we are going to have to keep up the Army appropriation in this very Congress, where it has been cut to the very bone now. If we are going to have to cut another 10 per cent off it, God help the Army!

Mr. BLAINE. Mr. President——

Mr. REED. I yield to the Senator from Wisconsin.

Mr. BLAINE. I desire at this point to suggest to the Senator that I would not want to concede, by the passage of any law, that the Secretary of War has any jurisdiction in the premises under circumstances which, with the Senator's permission, I desire to relate.

The governor of a State is the commander in chief of the military forces of that State, the militia. In all cases of emergency—whether it be that of disturbance in the nature of a riot, a flood which drives people out of their homes without shelter, a forest fire that drives people from the area where they reside without shelter, or a tornado, where their homes are blown down, and they are without shelter—it seems to me that the governor, as commander in chief, has ample power, authority, and jurisdiction to requisition the quartermaster's department within his State——

Mr. REED. The Senator means, of the National Guard?

Mr. BLAINE. As a part of the National Guard unit, which has possession and control of all Federal property, such as guns, ammunition, trucks, spades, shovels, tents, cots, sometimes food, and all the essential and necessary equipment to carry out the relief.

Now, as I understand the situation to be, and as I perceived it to be when I had the honor of being governor of my State, the governor has the right to requisition the use of that war material for those purposes; and the only responsibility of the State is that it see to it that the property in kind is returned to the possession of the Federal Government.

Mr. REED. The Senator is right as far as the property in the hands of the National Guard of the State is concerned.

Mr. BLAINE. I mentioned property that was in the control and possession of the quartermaster department that belonged to the Federal Government.

Mr. REED. The quartermaster's department of the National Guard of the State is under the control of the governor, and he has the power to use any of the material that is consigned to the National Guard practically as he pleases, subject to the property accountability to make it good later.

Mr. BLAINE. Exactly.

Mr. REED. He has not that power over property in the hands of the Federal Quartermaster's Department.

Mr. BLAINE. Yes.

Mr. REED. The Governor of New York, for example, could not seize all of the supplies on Governors Island at the Federal station there.

Mr. BLAINE. That was my conception also.

Mr. REED. But the Senator will see the difference between the procedure he has in mind and that which is contemplated by this bill. If the Governor of Oklahoma takes the blankets and the tents and the cots that have been issued to the Oklahoma National Guard, the State of Oklahoma will have to make them good; while, on the other hand, if they can be obtained from the Army of the United States, the State of Oklahoma gets the benefit, but it has not any liability at all. The burden falls entirely upon the Federal Treasury; and that, I take it, is the purpose of the bill.

If they wanted to use Oklahoma National Guard blankets and cots, they could have done it in an hour, but they would have to make them good later. Instead of doing that, they send to the Senators in Washington, and they telegraph the War Department, because while Oklahoma wants the relief, Oklahoma apparently does not want to pay for it. I take it that that is the situation.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Pennsylvania yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. THOMAS of Oklahoma. I think it is only fair to state, in response to what has just been said, that in my State the National Guard furnished all the equipment that it had available; but the camp at Oklahoma City wanted some stoves and field kitchens and a class of equipment that the National Guard does not possess, and that is the particular kind of equipment that was denied.

Mr. REED. I was not so informed. I understood that the National Guard in Oklahoma had an abundant supply to take care of the needs at that particular camp. However, be that as it may, I am going to agree, as far as I am concerned, that the committee may be discharged and the joint resolution go on the calendar with this report. Then, if the Senate wants to establish this policy, I can only cast my single vote against it.

Mr. President, I ask that the committee may be discharged and the joint resolution be placed on the calendar.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

EMERGENCY HIGHWAY CONSTRUCTION

Mr. HAYDEN. Mr. President, just before the Senate adjourned last evening I gave notice that at the first opportunity I intended to call up House bill 9642, to authorize supplemental appropriations for emergency highway construction with a view of increasing employment. Subsequently the Senator from Connecticut [Mr. BINGHAM] gave notice that he intended to call up the Philippine independence bill.

The authors of the Philippine independence bill, the Senator from Missouri [Mr. HAWES] and the Senator from New Mexico [Mr. CUTTING], are not present in the Senate to-day. I have conferred with other members of the Committee on Territories and Insular Affairs; and while I have not spoken to all of them, I find only the chairman of the committee anxious to discuss that bill to-day. We have had the road bill before the Senate on two other occasions. Inasmuch as the revenue bill can not be considered to-day, I express the hope that a way can be found to devote the day to the discussion of the road bill; and if there is no filibustering against it, I am sure we can dispose of it one way or the other in the time that would be available.

I make this statement now because I understand that if I am not recognized, and the calendar is taken up, and a motion is made to take up a bill, the motion is not debatable and can not be amended.

Mr. BINGHAM. Mr. President, the other day the Senator from Missouri [Mr. HAWES] stated the present situation in regard to the Philippine independence bill, and the importance of having it considered at the earliest possible opportunity. I assured him that I would do everything in my power to bring it before the Senate, and let the various proposals for amending it be debated.

It appeared last night that there might be such a possibility to-day, and I stated that I would make an effort to get the Philippine independence measure before the Senate to-day. I now find that both of the authors of the bill, the Senator from Missouri [Mr. HAWES] and the Senator from New Mexico [Mr. CUTTING], are absent, out of the city, the Senator from Missouri having been called to New York, and being expected to return to-morrow; that the junior Senator from Michigan [Mr. VANDENBERG], who had prepared a substitute, is not ready to offer his substitute and debate it to-day, and the Senator from Utah [Mr. KING], who also has a substitute to offer, does not wish to take it up to-day. So that I will be in the embarrassing position, if I make the motion, of having to do most of the debating myself. I intend to offer only a few remarks in explanation of the measure, and in view of the fact that the authors of the bill are not here, and that the Senators who wish to discuss it are not present, or do not wish to have it taken up to-day, I shall not make the motion which I stated last night would be made.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3237. An act to legalize a bridge across the Mississippi River at Grand Rapids, Minn.; and

S. 3322. An act to transfer certain jurisdiction from the War Department in the management of Indian country.

PROHIBITION A MAJOR ISSUE

Mr. BINGHAM. Mr. President, I desire to call attention to an extremely interesting editorial appearing in the Washington Daily News to-day, an editorial appearing, I am informed, in all the papers of the Scripps-Howard Syndicate throughout the United States. It is signed by Robert P. Scripps, editor in chief. It is entitled "Meeting a Major Issue." I am going to ask unanimous consent that it be printed in the RECORD, but before doing so I should like to call attention to two or three very striking paragraphs from it. Mr. Scripps says:

The Scripps-Howard newspapers favor immediate modification of the Volstead Act, repeal of the eighteenth amendment, and return of the liquor problem to the States for the following reasons:

Present statutory definitions of the alcoholic content of "intoxicating" beverages have no scientific basis in fact, while suppression of beer and wines creates a market limited to much more harmful spirituous drinks.

Any Federal sumptuary legislation is at variance with the whole spirit of the Constitution, which is that of the widest possible degree of home rule.

He goes on a little later:

The Scripps-Howard newspapers believe that Federal prohibition will properly be a major issue in every congressional election this year.

Various leading members of political parties have stated within the last few days that prohibition would not be a major issue, that it was not in politics, that it was being used only to becloud the major issues. The Scripps-Howard newspapers, however, believe it will be a major issue in every congressional election this year, and in the presidential election next November, for these reasons:

So long as this question, cutting deeply into the hearts of the people, cuts crosswise through each of our great political parties, as well as through progressive and liberal groups in Congress, the development of no sane and logical economic program by any party or group is possible. Until the question of Federal prohibition is settled, other progress, the routing of criminals, the clearing out of political corruption, waits throughout the country.

That the question is far from settled as it now stands, in spite of the eighteenth amendment and the Volstead law, is demonstrated by the expressed dissatisfaction of millions of people, as well as by the continued and "from bad to worse" drinking habits of the entire country.

The Scripps-Howard newspapers have supported the legislative activities and extolled the characters of outstanding statesmen like, for instance, Senators NORRIS, COSTIGAN, and WALSH of Montana, whose political fights have always been fights in the interests of the common man and of public decency, but who are known as drys. Certainly we will support no spineless or simple "organization" office seekers against men of this character, in any case where an editorial opinion is demanded.

Nevertheless, other things being equal, or nearly equal, as in the Pennsylvania case, it will be the policy of these newspapers to point out, with respect to each of this year's congressional and senatorial candidates, that his vote in the near future on prohibition will probably be the most important vote he will ever cast in the new Congress.

I ask that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MEETING A MAJOR ISSUE

The Pittsburgh Press, a Scripps-Howard newspaper, has announced its support of Senator and ex-Secretary of Labor JAMES J. DAVIS in the Republican senatorial primary in Pennsylvania. In the past the Pittsburgh Press, and other Scripps-Howard newspapers, have opposed the brand of conservative and stand-pat party politics with which DAVIS has been identified, in his State and at Washington.

In this instance Senator DAVIS has declared himself as favoring modification of the Volstead Act and repeal of the eighteenth amendment. His opponent, the colorful Gen. Smedley D. Butler, of Marine Corps and Philadelphia Police Department fame, is a well-known 100 per cent prohibitionist, and is chiefly supported by a no less prominent prohibitionist, Gov. Gifford Pinchot.

As Senator, DAVIS voted for, and Pinchot and his friends advocated, direct Federal relief for the unemployed. On this matter the two candidacies are pitched, apparently, on even ground.

The Pittsburgh Press expresses no overweening enthusiasm for the mental stature or political courage of Candidate DAVIS. At the same time, its editors have reason to distrust the attitude toward civil liberties of Candidate Butler, which, from speeches he has made in the past, embraces the military and autocratic rather than the American and democratic ideal.

From the above it is obvious that, to the editors of the Pittsburgh Press, the outstanding question involved in the present contest is that of prohibition. This is the issue that is thought paramount.

Wherever other elements of character and public policy permit, this is the stand that other Scripps-Howard newspapers may be expected to take.

And with good, and sufficient, and well-considered reason.

The problem of amending, if not repealing, oppressive Federal prohibition laws has passed out of the realm of academic debate and into the sphere of quite possible political action. In the recent wet-dry test vote in the House of Representatives, 21 reversed votes would have meant a prohibitionist defeat.

This possibility, which becomes almost immediate by reason of the elections this fall, tinges our whole political horizon. Every Congressman and Senator to be elected this year will undoubtedly have the opportunity and the duty, during his term of office, to cast a vote on prohibition that will really count.

Heretofore this situation has not seemed to exist. To-day it dictates only one possible honest course—to meet the issue, and to meet it squarely.

The Scripps-Howard newspapers favor immediate modification of the Volstead Act, repeal of the eighteenth amendment, and return of the liquor problem to the States for the following reasons:

Present statutory definitions of the alcoholic content of "intoxicating" beverages have no scientific basis in fact, while suppression of beer and wines creates a market limited to much more harmful spirituous drinks.

Any Federal sumptuary legislation is at variance with the whole spirit of the Constitution, which is that of the widest possible degree of home rule.

Proven ineffective in practice, Federal attempts to enforce the prohibition laws infringe the police powers of the States.

While liquor, some of it poisonous, flows freely everywhere, the Federal Government foregoes vast sums of revenue from its taxation and is put to enormous futile expense, the whole making up a large part of the present burden of taxpayers. So Federal prohibition goes to the very heart of the present economic crisis.

It is the profits of bootlegging and liquor smuggling that are the "sinews of war" for the major "rackets" that actually threaten our civilization to-day, from kidnaping and banditry to ballot-box stuffing and police corruption.

The Scripps-Howard newspapers believe that Federal prohibition will properly be a major issue in every congressional election this year, and in the presidential election this November, for these reasons:

So long as this question, cutting deeply into the hearts of the people, cuts crosswise through each of our great political parties, as well as through progressive and liberal groups in Congress, the development of no sane and logical economic program by any party or group is possible. Until the question of Federal prohibition is settled, other progress, the routing of criminals, the clearing out of political corruption, waits throughout the country.

That the question is far from settled as it now stands, in spite of the eighteenth amendment and the Volstead law, is demonstrated by the expressed dissatisfaction of millions of people, as well as by the continued and "from bad to worse" drinking habits of the entire country.

The Scripps-Howard newspapers have supported the legislative activities and extolled the characters of outstanding statesmen like, for instance, Senators NORRIS, COSTIGAN, and WALSH of Montana, whose political fights have always been fights in the interests of the common man and of public decency, but who are known as drys. Certainly we will support no spineless or simple "organization" office seekers against men of this character in any case where an editorial opinion is demanded.

Nevertheless, other things being equal, or nearly equal, as in the Pennsylvania case, it will be the policy of these newspapers to point out, with respect to each of this year's congressional and senatorial candidates that his vote in the near future on prohibition will probably be the most important vote he will ever cast in the new Congress.

ROBERT P. SCRIPPS.

Mr. BINGHAM. Before taking my seat, Mr. President, may I say that I hope it will be possible for the Committee on the Judiciary to bring to the floor of the Senate one or more of the various resolutions with regard to the repeal of the eighteenth amendment now before that committee? I hope it will not be necessary to pass on the question of discharging the committee, as was suggested yesterday.

The senior Senator from Nebraska [Mr. NORRIS], the chairman of the Committee on the Judiciary, has very courteously appointed subcommittees to consider the various features connected with the eighteenth amendment and the possible adoption of additions to the fifth amendment to the Constitution. It is a matter of regret that the subcommittee in charge of the resolutions to repeal have not as yet found it possible to hold hearings on this question or to take up the matter as to which one of the resolutions they would recommend, if any. I do hope that in the very near future this matter may come before us, for I agree entirely with the views expressed by Mr. Scripps in this editorial, that it is one of the major issues now confronting us, and until we get this matter settled it is going to be extremely difficult for the two great political parties to align themselves on various economic issues and get adequate returns from the voters in regard to them.

To-day many voters regard the prohibition question as the most important thing before the country, and they will vote accordingly. Some great organizations have held that they will oppose any candidate of either party favoring repeal or modification. Other great organizations have stated the opposite, that they will oppose any candidate of either party who is in favor of prohibition.

Recent votes in the House of Representatives and in the Senate showed that the question has very evenly divided the political parties. The Republican Party has only a slightly larger number of votes favoring repeal or modification, as shown by the House vote and by the Senate vote, and by the letter to the Judiciary Committee signed yesterday, which shows the unfairness of attempting to keep this matter in concealment, and the necessity for bringing it out and having it settled once and for all, in order that the two great political parties may proceed, each in accordance with its own political philosophy, and not have its representatives defeated by reason of their views on a matter of sumptuary legislation.

EMERGENCY HIGHWAY CONSTRUCTION

The PRESIDING OFFICER. The calendar, under Rule VIII, is in order. The clerk will report the first bill on the calendar.

Mr. HAYDEN. Mr. President, if it is in order at this time, I move that the Senate proceed to the consideration of House bill 9642, to authorize supplemental appropriations for emergency highway construction with a view to increasing employment.

Mr. FLETCHER. Mr. President, may I inquire what has become of the call of the calendar?

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that we are on the calendar under Rule VIII, and the motion of the Senator from Arizona is in order. The question is on agreeing to the motion that the Senate proceed to the consideration of House bill 9642.

The motion was agreed to, and the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The clerk will state the pending amendment.

The CHIEF CLERK. The pending amendment is the amendment offered by the Senator from Connecticut [Mr. BINGHAM], on page 2, line 1, to strike out the period, insert a comma and the following words: "except that such apportionment shall be wholly on the basis of population."

PRICES OF WHEAT AND COTTON

Mr. BLACK. Mr. President, I send to the desk and ask to have read a telegram from Mr. H. S. Long, of Montgomery, Ala., and a letter from Mr. T. K. Lee, of Birmingham, Ala., in connection with a subject of vital interest to every man here who represents an agricultural State.

It seems to be the prevailing opinion that the conduct of the Department of Agriculture in the last two weeks has been responsible for the decrease in the prices of wheat and of cotton. These two gentlemen have set forth very clearly the reasons for their complaints, and I send the communications to the desk and ask to have them read. I invite the attention of every Senator here from an agricultural State to these communications.

The PRESIDING OFFICER. Without objection, the clerk will read.

The Chief Clerk read as follows:

MONTGOMERY, ALA., *March 23, 1932.*

Senator HUGO BLACK:

For humanity's sake prevail Farm Board or the President give some pointed constructive advice tending bolster rather than destroy further price cotton since announcement board recently. Your constituents have and are suffering sinking prices, adding to already despondent circumstances.

H. S. LONG.

BIRMINGHAM, ALA., *March 18, 1932.*

Senator HUGO BLACK,
Washington, D. C.

DEAR SENATOR: If our Senators could grant the wishes of all their constituents they would be miracle men, I know. But in times like these, as Brisbane said this morning, somebody, somewhere, soon, with some sense must do something. The people can do nothing, as it is not in their hands. They can vote, and that's all.

In the past two days the American wheat market has declined about 5 cents per bushel. Wheat is down 7 cents per bushel in a week. Mr. Milnor, head of the so-called Grain Stabilization Corporation, left for Europe, and possibly sold wheat short before he left, and the word leaked around that he was going over to try and sell 50,000,000 bushels of Farm Board wheat—in competi-

tion, of course, with the poor, deluded farmers over here who still have wheat to sell. Same thing applies to the Farm Board's cotton holdings. One fiasco follows another, until the shadow of downright disaster hangs over the land. I'm no alarmist, but some of the most foolish things I've ever heard of have been done by the administration of late. The antihoarding campaign but called to the attention of everybody that the Government itself was in a panic, and the net result has been that conditions in the past week have grown rapidly worse in every line.

It is to be hoped that Congress will promptly pass a bill to impound the wheat and cotton holdings of the Farm Board indefinitely, or until prices for wheat reach a reasonable figure, and cotton the same, say 85 cents for wheat and 10 cents for cotton, or 12 cents. If this can be done quickly, agriculture can take heart, and with it looking up the rest will follow. Instead of competing with the world markets to sell wheat our Government owns at the expense of the farmers of the West—and as to cotton, the farmers of the South—the Government should announce to the world at large that it would not sell one dollar's worth until prices were back to something akin to normal.

I hope you will sponsor such bills, if any are not pending; and if pending, that you will lend your earnest support to have them passed promptly.

Yours very truly,

T. K. LEE.

Mr. BLACK. Mr. President, in connection with the letter just read I desire to state that I have been informed that a bill is pending before the Senate Committee on Agriculture and Forestry, a bill introduced by the junior Senator from Oklahoma [Mr. GORE], which would require the impounding of the wheat and cotton holdings for a certain period of years. Whether there has been any action on that bill by the committee or not I am not informed. Whether it is likely to be acted on soon, I am not informed. But all of us know that the constant holding over the market of a threat to dispose of this vast holding of wheat and cotton is bound, naturally, to be injurious to the prices of wheat and cotton throughout the world. They have gone down, just as was stated in the letter just read.

It is reported in the press—and, perhaps, the Senator from South Carolina can inform us whether or not this is correct—that the Secretary of Agriculture has sought within the last week to bring about a diversion of the $200,000,000 appropriation authorized by this body from the purpose for which it was originally intended, for loans to farmers, to provide for the sale of wheat to countries in the Far East. I would like to find out from the Senator from South Carolina, if I can, whether that statement is correct or not?

Mr. SMITH. Mr. President, I have been approached by those who are in direct contact with the Department of Agriculture, and my information is that a proposition was made to take $100,000,000 of the $200,000,000 allocated for crop purposes and to purchase from the Farm Board a certain amount of cotton and a certain amount of wheat and to dispose of it in the Orient—and, of course, to dispose of it on credit—and to leave the Farm Board the remaining $100,000,000. The Senator is correct that this proposal is still being agitated, as I had a conference this morning with one connected with the Government along the same line, and when the Senator has concluded his remarks I should like to take the floor for a sufficient time to explain just what is involved.

Mr. BLACK. I shall yield the floor in just a moment. Before doing so I would like to ask the chairman of the Committee on Agriculture and Forestry [Mr. MCNARY] whether or not any date has been set for hearings on the bill introduced by the junior Senator from Oklahoma [Mr. GORE] with reference to impounding the wheat which is now held by the Farm Board?

Mr. MCNARY. Mr. President, I am not familiar with the bill, but I believe it is the bill to impound a large quantity of Stabilization Board wheat. That bill has been referred to a subcommittee of which the Senator from North Dakota [Mr. FRAZIER] is chairman. May I ask the Senator if he is studying the bill of the junior Senator from Oklahoma [Mr. GORE] to impound certain wheat owned by the Stabilization Board?

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. BLACK. Certainly.

Mr. FRAZIER. The subcommittee was appointed by the chairman and a hearing was set for Friday or Saturday of last week. On the morning set for the hearing I received a letter from the junior Senator from Oklahoma [Mr. GORE] stating that he would reintroduce the bill with an amendment or modification. It was then decided that there would be no further hearing held on that measure until the bill was reintroduced and Senators given opportunity to study it and know what it is.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. I yield.

Mr. KING. In view of the evidence which has been presented before the committee and indeed before the Senate as to the deterioration of impounded wheat, the large expense involved in maintaining insurance and other costs amounting to nearly a million dollars a year, I believe, I want to ask the Senator if it would not be better to give the wheat away than to impound it indefinitely with this constant expense and with the deterioration which will mean in a little while that the wheat will cease to have any value whatsoever?

Mr. BLACK. Mr. President, it was not my intention at this time to discuss the merits or demerits of the question, but merely to find out the legislative situation. It is certainly true that one of the worst things that can happen to the market is to have held over it constantly a threat such as is held over the market with reference to wheat and cotton. I desired to invite the attention of the Senate to this letter, and particularly I desired to invite the attention of the Senator from South Carolina [Mr. SMITH] to the proposition I have suggested with reference to the attempt to divert the appropriation of $200,000,000 from the purpose for which it was intended, with the evident purpose to injure the cotton and wheat markets of the farmers of the country.

Mr. SMITH. Mr. President, the Senate is, of course, familiar with the resolution which I introduced and which I later submitted as an amendment to the Reconstruction Finance Corporation bill and which became a part of that measure. That amount is now $200,000,000. When the Senate adopted the $50,000,000 proposition and it went to the House, the final wording adopted by the conferees made it possible for the $200,000,000, which was in the original proposal, to be made available. But there was some question in the beginning as to whether the $50,000,000 was not all that could be obtained. The Department of Justice held that it would be 10 per cent of the remaining $1,500,000,000 as well as the $50,000,000 out of the direct appropriation of $500,000,000.

It was stated by representatives of the Department of Agriculture that the $50,000,000 was a mere bagatelle. After the amount was increased to $200,000,000 they said it was entirely too much, and that it would be a physical impossibility to administer it. The money was appropriated to give credit to the farmers who had no other source of credit and who had no other collateral than the current crop which they were then producing. The information has been pretty widely given out that $100,000,000 would be sufficient, and that there will be taken from the $200,000,000, the other $100,000,000 for the purpose of purchasing $50,000,000 worth of wheat and $50,000,000 worth of cotton, and shipping it to some uncompetitive market so as to get rid of the large surplus here. Some of my colleagues may know where on the habitable globe there is an uncompetitive market for $100,000,000 worth of wheat and cotton. It certainly would be an indictment of the traders of the country if there should be found such a market that they had overlooked.

Let us review the history of this matter just a moment. Last year the proposal was made that the Stabilization Board would hold 1,300,000 bales of cotton, which they owned; the cooperatives were to hold 2,000,000 bales of cotton, which they owned; and the bankers were asked in their convention at New Orleans to match it by holding for the interest of the farmer 3,500,000 bales of cotton. That agreement was entered into. It is understood that there is ap-

proximately 7,000,000 bales of cotton, which is impounded by the Government and by the patriotic bankers to be held until the 1st day of August, 1932, at which time it will be definitely known how much acreage reduction there is, voluntary and forced. It will be definitely known what the prospect is for probable yield.

That cotton is held out, and the trade, understanding that there are 7,000,000 bales out of the surplus which will not in any event reach the market until August 1 next, has adapted itself to that situation. I am not familiar with the wheat situation, but I interviewed the Farm Board, and found that they had entered into an agreement or had a gentleman's understanding with the trade that they were to dispose of the surplus wheat in stated amounts at stated times. My memory is not very positive, but I venture it that about what was agreed upon was that 5,000,000 bushels per month is to be so disposed of. The trade has adjusted itself to that condition. Now comes the proposal to take out of the surplus 1,250,000 bales of cotton and 150,000,000 bushels of wheat and dump it on the market wherever a place can be found on credit, risking whether or not the Government will be reimbursed but furnishing the board with $100,000,000 purchase money.

That in a word is what has been proposed. What is the result? Wheat has broken between 7 and 10 cents a bushel. The trade has adjusted itself to the understanding that 5,000,000 bushels a month would be put upon the market. Here comes a proposal to dump on the market somewhere, somehow 150,000,000 bushels of wheat. The trade was adjusting itself to the impounding of the cotton, with a definite time fixed at which they as well as the Government would have more light on the situation, and here comes a proposition to take 1,250,000 bales and turn it loose on the market. The inevitable result of this agitation has been to break the price of cotton and the price of wheat.

In justice to myself I want to say that when the proposal was made to me I said in the first place that I would never agree to have one dollar of this farm production fund diverted from the object for which it was appropriated. It was appropriated for the purpose of giving credit to those who had no other basis of credit except this, and who produced in the aggregate the cheap food and raw material that is converted into finished products at high manufactured prices. Now, to take 50 per cent of that which was appropriated for all the distressed farmers of America and go down and buy that which is impounded and held off the market for their benefit and turn it loose on the market is something that I shall not under any circumstances approve. They want to turn it loose on the market in order to do what? In order to deflate and take from those who are needy $100,000,000.

To everyone who approached me I said the thing was entirely impractical; not only impractical but that it was not good business. It is unthinkable in the present distressed condition, when the Government has invested its money and private individuals have invested their money in order to assure the trade that a great volume of cotton and wheat might not be poured upon the market at the expense of the weak, distressed producer, but held by a strong hand hoping for a time when the markets would be in a better condition. Yet now comes the threat that perhaps the entire amount will be dumped on the market somewhere and somehow.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Utah?

Mr. SMITH. I yield.

Mr. KING. I am afraid the able Senator from South Carolina has forgotten something this morning. He should remember the monumental blunder of the administration in forcing upon the country the Farm Board, which was to cure all the ills of the farmer. That monumental blunder having been committed, it is uncharitable for us now not to try to cover it up and help the administration get out of a hole. Let us take the money away from those who produce and appropriate it for the purpose of relieving the Farm Board of its difficulties and to help cover up its maladministration.

Mr. SMITH. That question will be thoroughly discussed and thoroughly threshed out when we conclude the investigation, which has already been ordered before the committee, as to what the Farm Board has done and what everybody else connected with it, both private and public, has done. When we have all the facts we will evaluate and apportion the blame wherever it belongs.

In conclusion I want to state that when this matter was brought to my attention I was amazed that those who had cooperated with myself and others, in the Government and out of the Government, to try to relieve the market of this huge surplus in the way that ultimately might aid the producer, now in this the very crux of the depression should present such a proposition. As I said, it was proposed to take the $100,000,000 out of that which was appropriated by the Government to aid the distressed producer, who was not asking for the money to create more surplus but was asking for enough to keep soul and body together on his farm, to make something for himself and those who were dependent upon him.

God knows it was a terrible thing that they were restricted to $400 per family—think of that, Mr. President!—when we were voting $2,000,000,000 in order to keep the prices of stocks and bonds from going down to a point which might jeopardize the dividends of those who made their crops out of dividends. What a pitiable thing that under those conditions we were not willing to give the farmer a tithe, $200,000,000 out of the $2,000,000,000, for those who feed and clothe us and they who have been cut down to $400 per family.

Mr. BLACK. Mr. President, will the Senator from South Carolina yield to me?

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. I yield.

Mr. BLACK. The Senator says that some one came to him and made an effort to divert this fund which was appropriated for the purpose of aiding small farmers. Is the Senator willing to state who it was that attempted to divert this fund?

Mr. SMITH. I have been approached by members of the Reconstruction Finance Corporation. Mr. Dawes spoke to me on the subject and Mr. Harvey Couch spoke to me. The Secretary of Agriculture has not yet done me the honor to do so, but in the press he has, over his signature, stated that he wanted $100,000,000 of this fund for the purpose of diverting it to buying cotton and wheat.

Mr. BLACK. May I ask the Senator if the object of that is to dump a large portion of the existing wheat and cotton on the market and thereby further to depress the price?

Mr. SMITH. The mere agitation of the subject, the mere discussion of it, as I stated in the beginning of what I have had to say, has broken the price of wheat something like 10 cents a bushel and the price of cotton something like half a cent a pound. I am amazed at the proposition even being discussed, in view of the obvious disastrous effect upon the market and the consequent discouragement of every wheat and cotton grower in America its discussion would cause.

I hope, Mr. President, that Congress will take cognizance of this effort and see to it that not one dollar shall be appropriated for the purpose of putting on the market a commodity that it was agreed should be impounded.

COMMITTEE HEARINGS ON PROPOSED WHEAT AND COTTON LEGISLATION

Mr. FRAZIER. Mr. President, my attention has been called to the fact that the Senator from Oklahoma [Mr. GORE] last Monday, the 21st instant, introduced his new bill (S. 4168) to regulate the sale of wheat owned or financed and controlled by the Federal Farm Board, and for other purposes. He also introduced a similar bill, Senate bill 4167, relative to cotton. I wish to announce that hearings will be held upon those bills just as soon as a date for that purpose can be arranged.

EMERGENCY HIGHWAY CONSTRUCTION

The Senate resumed the consideration of the bill (H. R. 9642) to authorize supplemental appropriations for emergency highway construction with a view to increasing employment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Connecticut [Mr. BINGHAM].

Mr. HAYDEN. Mr. President, the pending amendment, as I said last Monday, proposes fundamentally to change the division of Federal-aid funds. The Federal aid act, which was passed in 1916 after many years of agitation and discussion, provides that Federal aid shall be apportioned among the States according to area, population, and mileage of post roads. This amendment proposes that the money shall be apportioned according to population only. The proposal was presented to the House of Representatives and was rejected there. The amendment should also be rejected by the Senate. I ask for a vote.

Mr. BINGHAM. Mr. President, will the Senator from Arizona yield to me?

Mr. HAYDEN. I yield.

Mr. BINGHAM. I am sure the Senator from Arizona does not mean to say that that matter was presented to the House of Representatives and rejected?

Mr. HAYDEN. I distinctly remember reading in the CONGRESSIONAL RECORD that there was debate on this very proposal in the House of Representatives.

Mr. BINGHAM. The proposal was before the House, but before there was any debate on it the occupant of the chair at the time, the House being in Committee of the Whole, ruled that it was out of order. Therefore there was no opportunity to take a vote on it.

Mr. HAYDEN. I stand corrected. I now realize that the Senator from Connecticut is right in that statement.

Mr. VANDENBERG. Mr. President, I can summarize my objections to this so-called unemployment relief bill in a very few sentences.

First, it seriously belies its title. It is not primarily an unemployment relief bill at all. It uses unemployment relief as an excuse to launch a new highway program for the States, exclusively at present Federal expense. It is 95 per cent highway and 5 per cent relief. That is my first objection. The bill is not what it pretends, and what the people of the country will be given to believe it promises.

Second, if it aims at unemployment relief, Mr. President, it should frankly admit it by a change in its allocation of its funds so as to send these funds proportionately where the unemployment exists. Instead of that, its method of distribution actually penalizes those States with the heaviest unemployment burden. This amazing challenge will not be controverted. My own analysis of the arithmetic of the bill confirms the prejudicial conclusions already submitted by the senior Senator from Connecticut [Mr. BINGHAM] which prove the distribution to be wholly inequitable. My own figures, Mr. President, show that 13 States which suffer 67 per cent of the contemporary unemployment will pay 84 per cent of the appropriation involved in this bill and then get back but 32 per cent of the bounty. A pretty bargain indeed for the unemployed!

Ordinarily comparisons of this nature are invidious and inappropriate, and I would never normally make them, but this is supposed to be an unemployment relief measure. Bear that in mind. It is relevant, therefore, and competent and conclusively material to understand that the States with the greatest unemployment will suffer an actual net loss in their unemployment resources, if this bill should be passed. That is my second objection. My own State of Michigan, for example, will be several million dollars worse off in its net resources with which to meet its own unemployment problem, if this bill becomes a law.

Third, if this bill be taken for what it actually is, namely, a new and extended Federal-aid highway subsidy on a basis of unprecedented generosity for the benefit of some of the States at the expense of others, then it is entirely unjustified in the face of the existing $2,000,000,000 Federal deficit which we have not as yet conquered. This bill wipes out in one stroke at least eight times all the heroic economies ordered by the Senate in its recommital of the last two appropriation bills to the Appropriations Committee. That is the third reason why I am opposed to it. It is reason enough if there were no others.

The amendment submitted by the Senator from Connecticut will partially correct the inequalities; and then if the Senator from Tennessee, consistent with his attitude on other recent matters, should suggest that the authorization be reduced horizontally 10 per cent, that would better the situation. But even if both amendments were to prevail, the fundamental inequity would still heavily exist, and the fact would still remain that this is inherently a road bill and not an unemployment relief bill, and under the existing fiscal circumstances is not entitled to the approval of the United States Senate. The fact would still remain that the bill would continue actually to penalize the resources of those States which confront the heaviest unemployment problem. The fact would still remain that there is no rational warrant for the present proposed expansion of any such Federal-aid program and for the proposed heavy addition to the deficit and thus to the new tax with which this mounting deficit must be met.

Mr. HAYDEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Arizona?

Mr. VANDENBERG. I yield.

Mr. HAYDEN. I shall be greatly obliged to the Senator from Michigan if he will point out to the Senate the distinction between this bill and the emergency public works bill which became a law on December 20, 1930. That is the act of Congress upon which the pending bill is modeled. What change has there been in the situation whereby, although the Senator could vote in December, 1930, for a Federal-aid highway appropriation, he can not vote for an almost identical proposal now?

Mr. VANDENBERG. It is precisely the same kind of a bill; but, Mr. President, the situation which the Treasury confronts to-day is totally different.

Mr. HAYDEN. Is that the only objection which the Senator has to the bill?

Mr. VANDENBERG. That plus the fact that the unemployment situation is totally different.

Mr. HAYDEN. Are there fewer unemployed in the United States to-day than there were in 1930?

Mr. VANDENBERG. No; but they are concentrated, Mr. President, to-day in even larger measure than ever before in the precise spots from which this bill would take most of its funds without comparable returns to them in any compensatory degree.

Mr. ODDIE. Mr. President, I differ absolutely with the Senator from Michigan [Mr. VANDENBERG] in the statement which he has made. We have heard a number of times on this floor recently suggestions that the bill is not equitable. The Senator from Connecticut [Mr. BINGHAM] has made the statement that the provisions of the bill are not equitable when it comes to distributing unemployment relief over various sections of the country in that the large, populous centers will not get as much benefit as will the smaller communities. That, Mr. President, is not the case, because it has been shown here time and again that from 75 per cent to 90 per cent of every dollar expended on road building goes to labor, and that for every man working on the road two men are employed behind the lines in manufacturing establishments, in making materials that will be used on the roads, in the coal mines and in the oil fields, and so on down the line. So numerous industries will be benefited by the passage of this bill, and a larger proportion of men from the more populous centers will be given employment than has been stated.

Another provision of the bill which will help the unemployment situation in the large centers is the removal of the limitation as to money being expended in towns of over 2,500 population by an amendment in this bill. That will enable cities of size to employ large numbers of men on road-

building programs. The limitation of so many dollars per mile has also been removed by an amendment to this bill. This will also help solve the unemployment problem in the larger centers of population.

Mr. President, as the Senator from Arizona [Mr. HAYDEN] has stated, practically the same problem was before us last year and helped by the emergency road bill which passed, only not in as intense form; there were many men unemployed last year, but to-day there are millions more unemployed. It is necessary to pass this bill in order to start the wheels going and to help get us out of the bad mess in which we are to-day in this whole country.

I do not believe in this eternal pessimism, in constantly saying that we must cut our expenses and close down here and close down there, which will result in throwing tens of thousands more men into the ranks of the unemployed, in creating more suffering, and more distress. Why not have a little bit of optimism and start the wheels of industry turning by putting men to work again instead of shutting down when it is not necessary?

According to the figures we have received, which are reliable, over 800,000 men will be put to work by the passage of this bill, and 2,000,000 people, including the families, will benefit by it. It will mean helping to start the wheels of industry again.

Mr. President, I hope this bill will be passed.

Mr. BINGHAM. Mr. President, during the past two weeks we have heard a great deal about the necessity for balancing the Budget and about the necessity for cutting down appropriations. Within the past 10 days the Senate has twice voted to cut down great appropriation bills which, in the first place, have been carefully studied by the departments; in the second place, by the President, anxious to keep expenses down; in the third place, by the Bureau of the Budget, determined to cut things to the bone; in the fourth place, by the House of Representatives, cutting off here and there a million or more; and, finally, the Senate itself has sent the Interior Department bill and the bill for the Departments of State, Justice, Commerce, and Labor back to the Appropriations Committee with directions to report the bills back to the Senate with an aggregate cut of 10 per cent on the amount allowed by the House.

Unquestionably those actions of the Senate, in which I concurred, will cause a great deal of suffering among the bureaus. They will cause diminution of employment. They will cause loss of certain important governmental activities if made into law; but the Senate, I believe wisely, took the position that in view of the present condition of the National Treasury it must be done. By a vote of 50 to 29 yesterday the Senate took that attitude and sent back to the committee the bill for the Departments of State, Justice, Commerce, and Labor.

To-day we are asked to pass a bill which is intended to provide immediately an expenditure by the Federal Government during the year 1932 of $266,000,000. No one says where this $266,000,000 is to come from. There is no provision in the bill for raising the revenue by taxing automobiles or gasoline or oil or any business that is particularly benefited by the building of the roads. On the one day we cut off from four important branches of the Government 10 per cent of the amount which the House thought they ought to have—and the House is in an economic mood—and on the very next day we are urged to pass a bill to indulge in a road-building orgy to the tune of $266,000,000.

It is true that the bill carries only $120,000,000 for Federal aid to the States and $16,000,000 for Indian trails, forest roads, and so forth; but the object of the $120,000,000 which is to be given to the States is to enable the States to come back to the Federal Government and say, "Now we are ready to take an additional $120,000,000 that you have agreed to give us if we could match it." Talk about this being in line with the original Federal-aid project, the argument made by my distinguished friend from Arizona [Mr. HAYDEN]. Why, Mr. President, if it were not sad, it would be ludicrous to say that we ought to pass this bill because the original Federal-aid project was on this basis.

Under the original plan the Federal Government says to the States, "If you want to spend a lot of your taxpayers' money in building roads in your State we will match it, dollar for dollar, up to a certain amount which has been allowed by Congress.

"If your taxpayers feel that they do not want to be taxed for this purpose; that the roads are good enough to go through the winter or through this year or next year; that they do not want the additional assessment against real estate that would be necessary; that they do not want the State to issue bonds and put additional burdens of paying interest on the citizens of the State, then you need not do it, and you need not have this money, and you need not accept this burden, except that your taxpayers will have to share in paying their part of the general appropriation."

That is the original plan. That is the plan that we have seen go on from year to year. This bill, however, says to the State, "Your taxpayers do not want to match Federal aid. Your taxpayers are overburdened already. Your taxpayers do not want additional bonds issued. Your taxpayers do not want additional assessments placed against real estate. Your taxpayers think that your roads are good enough, and the best they can afford at present. Very well. We will bribe you to put your taxpayers 'in the red' in years to come. Here is some money which you can have from us now with which to induce us to give you some more money which you can spend now, and which later on your taxpayers will raise when they do not know what is happening." In the meantime, this bill says that the Federal Government is ready to spend, in 1932, $266,000,000.

Mr. President, as was pointed out yesterday, during the past 12 months the Federal Government has spent twice as much as it has received. The Treasury Department reports that receipts from taxation from all sources during the 12 months from March 1, 1931, to February 29, 1932, were $2,629,557,267, and the total expenditures during the same period were $5,161,594,000. In other words, during the past 12 months we have been spending twice as much as we have been receiving.

How have we done it? We have done it by borrowing, by putting the burden on the future. We had to do it that way. We could not let our bills go unpaid. So I asked the Treasury Department, "How much borrowing have we been doing? How much borrowing will it be necessary to do before the end of this fiscal year?" The reply is that the probable borrowing of the Federal Government during the fiscal year 1932, ending June 30 of this year, is $2,575,000,000. Two billion five hundred and seventy-five million dollars will have to be borrowed in this fiscal year, and in the last fiscal year we had to borrow $900,000,000! In other words, by the end of this fiscal year we will probably have borrowed three and a half billion dollars, which the taxpayers of the United States will eventually have to pay and on which they will have to pay interest until the principal is paid.

With that staggering burden in front of us, Mr. President, the proposal offered here to-day suggests that we borrow $266,000,000 more—that is only a little amount, just a mere bagatelle in the face of the amount we have already borrowed—in order, forsooth, to give immediate relief to unemployment! I may mention that that $266,000,000 is a million dollars a day for the next nine months, and it has to be met by borrowing. It can not possibly be met by additional taxes. The House of Representatives to-day is struggling with proposals as to how it is going to raise additional taxes so that we may somewhere nearly balance the Budget. They have not yet succeeded in solving the problem.

In view of this, it does seem to me that this is no time to go ahead with the road program. It does seem to me that it is extremely bad policy to go far beyond what the Government has ever done before in handing out with one hand

and putting in the pockets of the States the money which they can transfer to the other hand and come back to us and let us pass it out on that side. In other words, we take $120,000,000 out of this pocket and say to the States, "Now, you just hand it back to us here, and we will double it and give to you $240,000,000 out of that pocket." It is a hocus-pocus. It is based on the fact that there are millions of unemployed, and we would like to give them employment.

If we could have this bill in such form that the expenditure would be equally divided among the States in proportion to the numbers of their unemployed, the bill might have some justification, although even in that case, as the Senator from Michigan [Mr. VANDENBERG] has eloquently pointed out, the States that would have to pay the bill eventually would receive only one-half of the benefits from it. It is far cheaper for them, far better for their taxpayers, to raise that money and use it to employ their own unemployed than to give it to the Federal Government to distribute among the States that pay the smaller part of the taxes.

I do not intend at this time to discuss further the distribution of the taxes and the distribution of the expenditures; but I do want to call attention to the fact which I mentioned the other day, that unemployment is distributed throughout the United States very closely in proportion to population. The percentage of the total unemployed in various States is about the percentage of the population of those States to the total population of the Union. That is not entirely accurate; but it is a very much fairer method of considering this matter than the one in the bill now before us.

Under the bill now before us, the relief obtained by the laboring men whom the Senator from Nevada pictures as wanting to work on the roads and work in the transportation department behind the roads, and so forth, is extremely inequitable. According to the figures received from the governors about the amount of unemployment which they calculate now in their States, the State of Arizona, so ably represented by the Senator who has just addressed us, would receive $88 per capita—or twice that amount when they have matched the Federal aid with this money that the Government is supposed to let them have in order that they may match the other side of the bill. Compare the $88 which Arizona gets under this bill with $9 which California gets and $9 which Connecticut gets, with $5 which Illinois gets, with $21 which new Hampshire gets, with $32 which New York gets, with $5 which Pennsylvania gets. There are other States where the contrast is far more striking. For instance, the State of Nevada gets for its unemployed a per capita allowance of $631 as contrasted with Illinois's $5, and Pennsylvania's $5, and Connecticut's $9.

If this amendment is adopted, it will make a difference in the distribution of the money; and that distribution has been worked out in the House by Mr. KETCHAM, who originally offered this amendment which was ruled out of order and may be found on page 4861 of the RECORD. Perhaps it will interest some to know exactly what difference it makes.

If the amendment is adopted and the money is distributed in accordance with population, Alabama will receive a little more than under the present law. Under the present law, she would receive $2,550,000; and under the proportion by population she would receive $2,640,000.

Arizona, naturally, would receive far less. Under the present law, she would receive $1,762,000. If divided in accordance with population, she would get only $480,000, or $1,300,000 less.

California would get a little bit more. Under the present law, she would get $4,600,000. If divided according to population, she would get $5,520,000.

Colorado would get very much less. Under the present law, she would get $2,255,000. If divided according to population, she would get $960,000.

I shall ask that this table be printed in the RECORD; so I will not read all the figures, but only call attention to one or two of the more striking ones.

The VICE PRESIDENT. Without objection, it is so ordered.

The table is as follows:

Amount each State would receive of an apportionment of $120,000,000, using the percentages of the regular 1933 apportionment, also taxes paid and population

State	Per cent tax paid	Proportion by tax paid	Present law	Per cent population	Proportion by population
Alabama	0.18	$216,000	$2,550,053	2.2	$2,640,000
Arizona	.09	108,000	1,762,636	.4	480,000
Arkansas	.07	84,000	2,091,431	1.5	1,800,000
California	4.65	5,500,000	4,669,711	4.6	5,520,000
Colorado	.64	768,000	2,255,281	.8	960,000
Connecticut	1.54	1,848,000	779,324	1.3	1,560,000
Delaware	1.39	1,668,000	600,000	.2	240,000
Florida	.47	564,000	1,629,204	1.2	1,440,000
Georgia	.27	324,000	3,120,191	2.4	2,880,000
Idaho	.02	24,000	1,508,485	.4	480,000
Illinois	7.83	9,396,000	5,077,245	6.2	7,440,000
Indiana	.88	1,056,000	3,060,286	2.6	3,120,000
Iowa	.42	504,000	3,173,493	2.0	2,400,000
Kansas	.56	672,000	3,276,334	1.5	1,800,000
Kentucky	1.17	1,404,000	2,259,648	2.1	2,520,000
Louisiana	.36	432,000	1,740,196	1.7	2,040,000
Maine	.27	318,000	1,070,600	.6	720,000
Maryland	1.24	1,488,000	1,015,296	1.3	1,560,000
Massachusetts	3.65	4,380,000	1,712,774	3.5	4,200,000
Michigan	4.41	5,292,000	3,783,179	3.9	4,680,000
Minnesota	.95	1,140,000	3,373,560	2.1	2,520,000
Mississippi	.06	72,000	2,160,628	1.6	1,920,000
Missouri	2.12	2,544,000	3,761,014	3.0	3,600,000
Montana	.07	84,000	2,525,108	.4	480,000
Nebraska	.19	228,000	2,557,683	1.1	1,320,000
Nevada	.05	60,000	1,578,025	.1	120,000
New Hampshire	.14	168,000	600,000	.4	480,000
New Jersey	4.01	4,812,000	1,659,121	3.3	3,933,000
New Mexico	.02	24,000	1,962,340	.3	360,000
New York	27.64	33,168,000	6,057,965	10.3	12,360,000
North Carolina	10.89	13,060,000	2,890,203	2.6	3,120,000
North Dakota	.01	12,000	1,940,325	.6	720,000
Ohio	4.64	5,568,000	4,501,029	5.4	6,480,000
Oklahoma	.61	732,000	2,593,101	2.0	2,400,000
Oregon	.18	216,000	1,996,128	.8	960,000
Pennsylvania	7.82	9,384,000	5,261,052	7.8	9,360,000
Rhode Island	.45	540,000	600,000	.6	720,000
South Carolina	.08	96,000	1,666,492	1.4	1,680,000
South Dakota	.03	36,000	2,002,076	.6	720,000
Tennessee	.53	636,000	2,609,757	2.1	2,520,000
Texas	1.54	1,608,000	7,668,024	4.7	5,649,000
Utah	.09	108,000	1,387,190	.4	480,000
Vermont	.07	84,000	600,000	.3	360,000
Virginia	4.67	5,600,000	2,258,196	2.0	2,400,000
Washington	.47	564,000	1,905,627	1.3	1,560,000
West Virginia	.45	540,000	1,316,720	1.4	1,680,000
Wisconsin	1.15	1,380,000	2,992,438	2.4	2,880,000
Wyoming	.24	288,000	1,540,811	.2	240,000
Hawaii	.24	288,000	600,000		
District of Columbia	.68	816,000		.4	480,000
Total	100.00	120,000,000	120,000,000	100.0	120,000,000

Mr. BINGHAM. In Illinois, where the governor has told us there are nearly 1,000,000 people out of work, the amount under the present law would be $5,000,000. If divided according to population, it would be $7,440,000—additional relief of $2,400,000.

In Michigan, under the present law, the amount received would be $3,783,000. Michigan, incidentally, would have had to pay into the Federal Treasury, to meet this, about $6,000,000. Under the present law, however, she would get $3,783,000. Under a distribution according to population she would get $4,680,000, or nearly $1,000,000 more.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. VANDENBERG. And may I emphasize again at that point the thing which the Senator himself has so specifically stated many times: Under either method of allocation, although Michigan is a State which suffers maximum unemployment, its net resources with which to meet its unemployment problem would be less after this bill is passed than before.

Mr. BINGHAM. That is correct, Mr. President. For every dollar that she raises toward this fund she will get back only 50 cents for her own use.

The State of New York, which pays such a very large share of the taxes, would receive a very considerable increased benefit under the proposed amendment. Under the bill it would get $6,000,000; under the proposed amendment it would get $12,360,000, or more than twice as much.

The very fact that out of the same amount of money it is possible for one State to get an additional $6,000,000 shows

how many States would get far more than they are entitled to, under an equitable division of the money in accordance with their population.

The State of Pennsylvania under the bill would get $5,261,000; under the amendment it would get $9,360,000, or more than $4,000,000 more. We have been told by the governor of that State that there are nearly a million unemployed in the State of Pennsylvania.

In other words, if this is an unemployment relief measure, if it is felt that we can afford to add to our burdens by expending $266,000,000 more this year for unemployment relief, it ought to be divided in such a way that it will reach the unemployment fairly equitably throughout the United States, and not be divided in such a way that some States, on the basis of the idea on which Federal aid is generally divided, shall get ten, fifteen, or twenty times as much relief as other States where there is a very great deal of unemployment.

The other day I called attention to some interesting figures which I should like to repeat, since we are now debating the bill.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. VANDENBERG. I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Connecticut yield for that purpose?

Mr. BINGHAM. I yield for that purpose.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Costigan	Jones	Robinson, Ind.
Austin	Couzens	Kean	Schall
Bailey	Dale	Kendrick	Sheppard
Bankhead	Davis	Keyes	Shipstead
Barbour	Dickinson	King	Smith
Barkley	Dill	Lewis	Steiwer
Bingham	Fess	Logan	Thomas, Idaho
Black	Fletcher	McGill	Thomas, Okla.
Blaine	Frazier	McKellar	Townsend
Borah	George	McNary	Trammell
Bratton	Glass	Metcalf	Vandenberg
Brookhart	Glenn	Morrison	Wagner
Broussard	Goldsborough	Moses	Walcott
Bulkley	Gore	Neely	Walsh, Mass.
Bulow	Harrison	Norbeck	Walsh, Mont.
Byrnes	Hatfield	Norris	Waterman
Capper	Hayden	Nye	Watson
Caraway	Hebert	Oddie	Wheeler
Carey	Howell	Pittman	White
Coolidge	Hull	Reed	
Copeland	Johnson	Robinson, Ark.	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

Mr. BINGHAM. Mr. President, I would like to say, for the benefit of some of the Senators who have recently come into the Chamber, that if they are interested in seeing what a difference it would make to their States if this amendment which I have proposed, to distribute the fund according to population, were adopted, they will find in the CONGRESSIONAL RECORD, on page 4861, a table showing, in the center column, how the money would be distributed under the bill as it passed the House and as it is before us, and in the final column the way in which the money would be distributed if the amendment which I have proposed were adopted. I would like to repeat a few of the comparisons which I used the other day.

Mr. WALSH of Massachusetts. Mr. President, will not the Senator have that tabulation printed in the RECORD?

Mr. BINGHAM. I asked to have it printed in the RECORD, because I thought it would be interesting to all Senators.

In working out the unfairness of this bill, as it seems to me, although not, of course, to those who are interested in getting it passed, I discovered that in the apportionment of the fund proposed to be appropriated Arizona would receive 1.4 per cent, or four and a half times as much as she would be entitled to if the distribution were made according to her unemployed. On the other hand, the State of Michigan, with 6.2 per cent of the total unemployed, would receive only 3 per cent of the relief fund, or less than one-half of what she is entitled to. To put it the other way around, the unemployed in Arizona per capita would get eight times as much relief as would the unemployed in Michigan. Yet, as the Senator from Michigan has pointed out, Michigan would have to pay more than twice as much into the fund as she would get out of it.

Kansas has nine-tenths of 1 per cent of the total unemployed in the United States. Under this bill she would receive 2.6 per cent of the relief fund, or three times as much as she would be entitled to if the fund were distributed according to the number of unemployed.

Massachusetts, on the other hand, with 5.1 per cent of the unemployed, would receive only 1.4 per cent of the relief, or less than one-third of what she would be entitled to under the distribution of the fund in accordance with the number of unemployed. Kansas would get nine times as much relief under this measure as would Massachusetts.

Tennessee has nine-tenths of 1 per cent of the total unemployed. Under this measure she would get 2.1 per cent of the relief, or more than twice as much as she would be entitled to if the funds were distributed according to the number of unemployed.

Contrast this with Rhode Island, which has 1.1 per cent of the total unemployed, and would receive only five-tenths of 1 per cent of the relief, or one-half of what she is entitled to. In other words, Tennessee would get four times as much relief as would the State of Rhode Island.

Nevada has one-tenth of 1 per cent of the total unemployed, but under this bill would get 1.3 per cent of the relief, or thirteen times as much as she would be entitled to according to the number of unemployed.

Connecticut has 1.6 per cent of the unemployed and receives 0.6 per cent of the relief fund, or only about one-third of that to which she is entitled.

The bill is unfair and unjust. It gives the least help to the communities that need it most. It ought not to pass.

During the delivery of Mr. BINGHAM's speech,

Mr. ODDIE. Mr. President, may I ask the Senator to yield?

Mr. BINGHAM. I yield.

Mr. ODDIE. I should like to have placed in the RECORD a statement which the State highway commissioner of Michigan recently made before the Committee on Post Offices and Post Roads in regard to highway legislation in Michigan.

The VICE PRESIDENT. Does the Senator from Connecticut yield for that purpose?

Mr. BINGHAM. I have no objection, Mr. President. I ask that it may be placed at the end of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

FEDERAL AID HIGHWAY LEGISLATION

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
Washington, D. C., January 19, 1932.

The committee met, pursuant to call, in the committee room, Capitol Building, at 2 o'clock p. m., Senator TASKER L. ODDIE, chairman, presiding.

Present: Senators ODDIE (chairman), FRAZIER, HEBERT, CAPPER, WHITE, BARBOUR, MCKELLAR, HAYDEN, MCGILL, BAILEY, BANKHEAD, BULOW, BYRNES, and LOGAN.

The CHAIRMAN. We will proceed now.

Mr. MARKHAM. Mr. Chairman and Senators, our next witness is Mr. G. C. Dillman, State highway commissioner of Michigan, who will speak to you on some of the work of the State highway departments as it might affect the Federal situation.

STATEMENT OF G. C. DILLMAN, STATE HIGHWAY COMMISSIONER OF MICHIGAN

The CHAIRMAN (Mr. ODDIE). We will be glad to have a statement from you, Mr. Dillman.

Mr. DILLMAN. I have a statement here, Mr. Chairman, covering the policies of the American Association of State Highways. This was adopted at the annual meeting of the association in November, 1930, which is strictly up to date. This statement is as follows:

"In general it may be stated that approximately 10 per cent of the public-road mileage in the several States composes the combined Federal-aid and State systems, which may be called primary roads, and an additional 20 to 25 per cent composes the principal county trunk or State-aid highways, which may be called secondary roads, and the remaining 65 to 70 per cent composes purely local township or third-class roads.

"(a) That it is the sense of this association that until such time as the above-defined primary routes have reached an advanced

stage of improvement Federal funds exclusively and the major portion of State funds should be used entirely to expedite work on this system.

"(b) That when the present designated Federal-aid systems have been improved in an advanced degree advantage should then be taken of the provision of the Federal highway act to increase the mileage of the Federal-aid system, upon which Federal-aid funds can be used, by applying said Federal money to what might now be considered secondary roads.

"(c) That when the primary routes have reached a reasonably advanced state of improvement, in keeping with traffic demands, then the States should recognize their responsibility to traffic on the secondary system of highways, or county trunk highways, which supplement the general traffic and farm-to-market service of the primary routes, and the States should stimulate such improvement by the allocation of a definite and reasonable proportion of State-collected funds for such secondary system of highways or county trunk highways; if the State has not as yet made such funds available for such systems.

"(d) That the expenditure, however, of all such State funds allotted for the improvement of the secondary systems or county trunk highways should be made with such State supervision as will insure tangible, well-planned, worth-while improvements, all administered on a sound business and economical basis.

"(e) That where State trunk highways, roads of the secondary system, or county trunk highways pass through municipalities, funds available for the improvement of such routes may logically be used under proper supervision for the construction and maintenance of such routes through such municipalities, but such funds should not become available to the municipalities to be used on thoroughfares which are not used by the traffic carried on such routes."

The tendency is toward State and county as the smallest road building, maintaining, and administering units.

I might cite the State of North Carolina, where on July 1, 1931, all roads were added to the State highway system. Other States which control in whole or in part the county road systems are Illinois, Maine, Minnesota, New Jersey, New York, and Pennsylvania, a total of seven. This last year Pennsylvania added 20,000 miles of rural highways to the State highway systems.

States which aid the counties with or without supervision of expenditures by the State highway department are Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin, Wyoming. Also in Michigan for 1932 the counties take over 20 per cent of the township roads, being 12,000 miles, and 20 per cent each year until all have been added to the county road system. This makes a total of 36 States which aid the counties.

Thirteen States aid the townships with or without supervision of expenditures, these being Arkansas, Iowa, Kansas, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, and Wisconsin.

Twenty-one States aid the cities of certain populations or on certain streets. This is true at least of some of these villages and cities. The States I refer to are Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, New Jersey, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Vermont, Washington, and Wisconsin.

In seven of these States counties may or do control road work in townships or towns—Arkansas, California, Indiana, Iowa, Michigan, New Jersey, Ohio.

In 25 States the county is the smallest unit for road responsibility, these States being Alabama, Arizona, Arkansas, California, Colorado, Delaware, Georgia, Idaho, Iowa, Kentucky, Maryland, Mississippi, Montana, Nebraska, Nevada, New Mexico, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

There are many advantages that are gained in State and county centralized control over all roads.

I would like to discuss briefly a few advantages that have proven out in these cases the functions of the State and county highway department are road improvements in a degree commensurate with traffic importance and adequate maintenance.

The State's and county's best engineering, training, and experience, also laboratory facilities, have been made available for the road problems of all sections.

There has been concentrated into one or a comparatively few spending agencies control of the motor vehicle and gasoline tax. In the case of Michigan, when the township roads are taken over, we will have 1,376 less administering units of rural highways than we now have with the township system.

A burden of millions of dollars annually has been lifted from the property tax and the transfer of the responsibility for the future development of local roads from the local government to the county or State.

The decision of road problems is now based on the result of factual surveys developed by trained forces.

The expenditures are subjected to the analysis of accurate cost records and budget control, impossible in so many small subdivisions. The use of heavy and expensive equipment owned is idle much of the time.

The expediting of road improvement, the probability of better maintenance and increased efficiency of administration.

This brings me to the point I wish to make, that Federal aid for highways should be confined strictly to the State highway systems, which embody the Federal highway systems, as it is or may be extended. Any aid to the county or township roads should come from the States. As an example of highway laws that I believe follows out good practice and the policy of the American Association of State Highway Officials, let me sketch briefly the Michigan law as it is carried out.

Senator BYRNES. What is the relevancy of the discussion as to the wisdom of aid between States and counties to this bill here or to the amendment? I am interested, but so far as the highways policy of the laws in the respective States, this committee has no jurisdiction over them and could not handle them. Is there any particular relevance?

The CHAIRMAN. I did not know what Mr. Dillman was going to testify to, but the idea was to make as complete a picture as possible of existing conditions.

Mr. DILLMAN. I think in not to exceed five minutes I can cover the ground. The point I am trying to make is to show the trend in highway development from the smaller unit to the larger unit.

As to the case of Michigan, the highway laws applied conform very closely to the policy of the Association of State Highway Departments. In this case the State highway system has approximately 8,100 miles, being 10 per cent of the public road mileage of the State. The county road system of about 16,000 miles, or 20 per cent of approximately 60,000 miles of township roads, amounting to 12,000 miles, or added to the county road system this year, and 20 per cent each year until all are county roads.

State refunds equivalent to one-half of weight or license tax to counties toward support of county roads.

In addition, $2,000,000 toward support of the 20 per cent township roads taken over this year, and half a million increase each year until $4,000,000 is paid to the county, when all township roads have been absorbed into county systems.

The State pays 50 per cent or more toward construction, reconstruction, and maintenance of all roads and bridges on trunk lines and Federal routes in cities and villages of the State.

That is merely cited as an example of one State that is carrying on a policy that we believe is entirely sound, and is merely the trend of the States throughout the country.

The CHAIRMAN. What is the effect of this legislation on the unemployment problem in your State?

Mr. DILLMAN. I might say that about the 20th of last October we put on a very extensive winter construction program, totaling $11,500,000 of work, which necessarily was confined to work to be done during the late fall and winter months, consisting of grading, widening, drain structures, bridges, some gravel surfacing, and the work was all either carried on through the highway department organization, through the county, or largely by contract, which, by the way, we will receive $2,000,000 of Federal aid out of $11,500,000 to spend, and each of those jobs was designed to take care of the maximum of labor, at the same time getting efficient work, the most we could for the money, and we are taking care of some 19,000 to 25,000 men during this period.

We have set up a minimum wage of 35 cents per hour, and we have provided for half time; that is, men working three days a week, or every other week, in order to take care of more men than on the full-time basis.

Michigan is one of the States that has a very serious unemployment condition, and we have found in the past two and a half months that this has worked out very successfully, and the State is contributing something in this highway work to the relief of the unemployed, at the same time relieving the counties, cities, villages, and townships of a very material amount in welfare work. I am citing that as an example of one of many States which are carrying on highway work for the benefit of labor largely at this time.

The CHAIRMAN. What are you doing at the present time, and what regulations do you have in reference to making the road program go as far as possible in meeting the human needs of the laborer?

Mr. DILLMAN. We are establishing, as I said, the minimum wage and 8-hour day, one-half time for these men. We are specifying certain equipment that the contractor may use on the job, and that is specified. He knows that when he bids on the work, and we are trying to utilize the maximum amount of labor on the work, without cutting materially into the efficiency of handling the work, and we do know in putting on several million dollars of this work during November and December, also early in January, that the costs have been very little more than we had during the last half of the year 1931, when there were no regulations involving labor.

The CHAIRMAN. What is your idea about the bill that is before the committee now, and the various provisions of it?

Mr. DILLMAN. I feel the bill before the committee is a bill which should be passed. We are heartily in favor of it and heartily approve of it. I am speaking for some of the States, directly for Michigan, and we are very much in favor of the legislation.

The CHAIRMAN. Are the States in your section of the country able to meet the authorization under this law?

Mr. DILLMAN. Yes, sir; Michigan is one of the Central Northern States that has no difficulty whatever in meeting this, and I am quite sure that there is not a State in that part of the Union that has any difficulty in meeting the Federal aid. In our case it amounts to only about 20 per cent of the expenditures for construction on the State and Federal system this year.

The CHAIRMAN. Would the members of the committee like to ask any further questions?

Senator HAYDEN. Do you specify in your contracts the rate of wages that the contractor shall pay?

Mr. DILLMAN. We specify in the work—that is, we have since last October, in putting on the winter program; we are continuing that now on work that will be seasonal. This year we are setting up for common labor a minimum wage of 35 cents an hour. That is as far as we are going in setting up wages.

Senator HAYDEN. Does the contractor, when he makes a contract with the State, agree to pay that minimum wage?

Mr. DILLMAN. Yes, sir; it is checked continually by our engineers in charge of each of these jobs.

Senator HAYDEN. It is not a question of law, or regulation, but would be a breach of contract if the contractor did not pay the agreed minimum wage?

Mr. DILLMAN. That is part of his contract.

Senator HAYDEN. With respect to the emergency appropriation of $80,000,000 made by Congress in December, 1930, did the State of Michigan make good use of that additional money?

Mr. DILLMAN. Yes; our portion of that was $2,500,000, and that money was all spent. We have already received that back from the Government, and we made very good use of it and feel the money was well spent. It was spent on construction of the Federal system, and, in addition to that, we have shown our interest in it by going much further in putting up State money on the Federal system, and we have found the 1931 work, throughout the year, that for every $1,000,000 we are spending on State highway work, which includes grading, drainage, surfacing, bridges, paving—for every $1,000,000 from 2,500 to 3,000 men are employed during the contract.

Senator HAYDEN. Do you believe it would be desirable for Congress to do the same thing it did last year? I am not referring to the amount of money to be appropriated, but is it desirable that Congress repeat its action with respect to emergency highway appropriations?

Mr. DILLMAN. I feel that is a matter that Congress knows so well, the condition of the country, etc., the matter of employment and financial obligations that must be met, and the demands upon Congress, that it is something that I think you men are best able of anyone in the country to pass on. As far as Michigan is concerned, I believe it is true with all States; we stand ready to step in and spend any reasonable amount of money appropriated. We believe we can well spend it and get value received, and it will help labor.

Senator HAYDEN. Is there any doubt in your mind that money appropriated by Congress in that manner can be immediately used to put men to work?

Mr. DILLMAN. There is no doubt about it whatever in my mind that the money can be taken up without any undue effort on the part of the States and very wisely spent on the Federal highway system, which is a big part of the total State system, and it will be of material help to labor.

Senator HAYDEN. Has your State highway department studied the problem of an expansion of Federal-aid road work, and has it prepared plans and specifications for such work?

Mr. DILLMAN. Yes.

Senator HAYDEN. They are ready so that they could put men to work if the money was made available?

Mr. DILLMAN. Yes, sir.

Senator HAYDEN. I took the liberty of addressing the Senate to-day on this subject. You will find my remarks in the RECORD to-morrow morning. It is very important that we consider any emergency road appropriation as within a balanced Federal Budget. It may not be proper for me to ask the witness whether Congress should or should not take action that would affect the Federal Budget, but I think it is proper to ask Mr. Dillman whether emergency funds advanced in this manner will accomplish the purpose of Congress, which is to provide work for the unemployed.

Senator MCKELLAR. That is immediately.

Senator HAYDEN. Immediately.

The CHAIRMAN. What is your idea of the advantages of providing for authorizations a number of years in advance? How does that affect the work of the State highway department?

Mr. DILLMAN. It affects the work very materially in this way, that a State highway department can function efficiently, and work can be expedited and carried on with the least effort, getting the best results, by knowing a year or two, at least, in advance as to what will be expected of that department, and I know in the case of the State of Michigan; I know it is true with a great many States, they are working on the basis of a program of work, when you come to consider the local involvements in putting the work on a possible relocation and changing existing conditions, acquire rights of way, surveys, and plans, that takes time, anywhere from a minimum of six months to possibly a year or two in getting those things ironed out, and when we know we have a going program, and that there will be certain demands made on the department, the work can be administered much smoother and in much better shape. In our case, at least, if that money had not been available, we would not have been ready to take up the Federal loan last year, and we went ahead with little extra effort and took it up, because plans were ready to proceed with.

The CHAIRMAN. In laying out the road system, you were placed in a better position because of having a comparatively long program mapped out some years in advance?

Mr. DILLMAN. Yes, sir. The State highway system should not and could not be extended without reasonable assurance at least that there are going to be funds for financing the work.

Senator BYRNES. The statement was made this morning on the floor of the Senate by the Senator from Utah, as I recall, that there was a disposition on the part of some of the States to ask that the States be not required to repay the emergency appropriation. Have you heard from any of the representatives of your association here at this time any statements showing a disposition on the part of States to avoid the reimbursement to the Federal Government of the emergency appropriation which was advanced last year?

Mr. DILLMAN. No, sir; I have heard no statement to that effect. Speaking as the commissioner from Michigan, I would say we are certainly more than willing and glad and feel we could not act in good faith without first subscribing to the plan we knowingly went into, that this money was to be paid back.

Senator BYRNES. One other question. Are you familiar with the statement which was handed to the committee yesterday by Mr. Markham showing the approximate cost per mile of roads constructed in 1931? Are you familiar with that table?

Mr. DILLMAN. I do not recall the table.

Senator BYRNES. The statement made with reference to that table is this, that it shows upon its face an approximate cost of $25,000 per mile for projects under consideration, which projects included not only macadam roads but sand-clay and surface-treated roads. Is it a fact that there was an expenditure throughout the country of approximately $25,000 per mile for such roads?

Mr. DILLMAN. I am not able to answer that question from the average of all types. As far as Michigan costs are concerned, which are largely paving projects, building about 350 or 400 miles a year, that will run in 1931 in the neighborhood of $25,000 to $27,000 per mile for 20-foot paving, including grading and all necessary work.

Senator BYRNES. You say that was 1931?

Mr. DILLMAN. Yes; although we have some projects that cost from $50,000 to $75,000 a mile, on quite lengthy jobs, but this is the average of all the work.

Senator BYRNES. Senator MCKELLAR understood the statement as indicating a cost of approximately $25,000 a mile, eliminating the cost of bridges, and I think we wanted to know whether that understanding was correct or not?

Mr. MARKHAM. I think you are referring to one of the tables I prepared, and I sat opposite the Senator. The column of total expenditures is not the expenditures for construction only, and therefore you can not take the miles constructed in 1931 and compare it with the dollars expended. That is the total expenditures for everything, and includes $191,000,000 for the maintenance of the roads, besides the interest on the bonds and bonds retired. This is the total expenditure of the highway department for everything. I will have for you within the next 30 days a complete statement as to what each State paid for construction, as well as maintenance and retirement of bonds.

Senator BYRNES. I simply wanted you to straighten it in the records, and I wish you would put in what the average cost per mile in the State of Tennessee was.

Mr. MARKHAM. I told the Senator I would try to get him that information. This is the column of total expenditures, and not for construction only.

Senator HAYDEN. Let me ask the witness whether the cost of material and supplies used in road construction was less in 1931 than it has been in previous years.

Mr. DILLMAN. Less in 1931, as far as my State is concerned. It is materially less than it was in previous years. Take the average cost of a gravel road or a macadam—we have very little macadam, some concrete, and asphalt—that would run about 25 per cent under the cost of about three or four years before that.

The CHAIRMAN. That was a statement I made based upon information I received from Mr. MacDonald, that throughout the United States the cost of road construction in 1931 is approximately 25 per cent less than it was in the 1925 to 1929 period. Is that your experience in Michigan?

Mr. DILLMAN. Yes, sir; that is right.

The CHAIRMAN. Are there any further questions of the witness? If not, that will be all, thank you.

Mr. Markham, do you have another witness?

Mr. MARKHAM. Yes; Mr. Z. E. Sevison, president of the Western Association of State Highway Officials and State highway engineer of Wyoming.

The CHAIRMAN. Mr. Sevison, we will be glad to have a statement from you.

After the conclusion of Mr. BINGHAM'S speech,

AMENDMENT OF TARIFF ACT OF 1930

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (H. R. 6662) to amend the tariff act of 1930, and for other purposes.

EXECUTIVE SESSION

Mr. MCNARY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

REPORTS OF POST OFFICE COMMITTEE

Mr. ODDIE, from the Committee on Post Offices and Post Roads, reported favorably sundry nominations of postmasters.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably sundry nominations of postmasters.

The VICE PRESIDENT. The reports will be placed on the calendar.

THE CALENDAR—TREATIES

The legislative clerk announced No. 5, Executive KK (70th Cong., 2d sess.), a treaty of friendship, commerce, and consular rights between the United States and Norway, signed at Washington on June 5, 1928, and an additional article thereto signed at Washington on February 25, 1929.

Mr. BORAH. Mr. President, my understanding is that the Senator from Montana [Mr. WALSH] is not ready to proceed with the consideration of this treaty to-day, so I will ask that it go over.

The VICE PRESIDENT. It will be passed over.

The legislative clerk announced Executive A (72d Cong., 1st sess.), a treaty of friendship, commerce, and consular rights between the United States and the Republic of Poland, signed at Washington on June 15, 1931.

Mr. BORAH. I ask that that, too, may go over.

The VICE PRESIDENT. The treaty will be passed over.

THE JUDICIARY—CHARLES A. JONAS

The legislative clerk read the nomination of Charles A. Jonas to be United States attorney, western district of North Carolina, reported adversely.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination?

Mr. BAILEY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Costigan	Jones	Robinson, Ind.
Austin	Couzens	Kean	Schall
Bailey	Dale	Kendrick	Sheppard
Bankhead	Davis	Keyes	Shipstead
Barbour	Dickinson	King	Smith
Barkley	Dill	Lewis	Steiwer
Bingham	Fess	Logan	Thomas, Idaho
Black	Fletcher	McGill	Thomas, Okla.
Blaine	Frazier	McKellar	Townsend
Borah	George	McNary	Trammell
Bratton	Glass	Metcalf	Vandenberg
Brookhart	Glenn	Morrison	Wagner
Broussard	Goldsborough	Moses	Walcott
Bulkley	Gore	Neely	Walsh, Mass.
Bulow	Harrison	Norbeck	Walsh, Mont.
Byrnes	Hatfield	Norris	Waterman
Capper	Hayden	Nye	Watson
Caraway	Hebert	Oddie	Wheeler
Carey	Howell	Pittman	White
Coolidge	Hull	Reed	
Copeland	Johnson	Robinson, Ark.	

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

Mr. WALSH of Montana. Mr. President, the nomination of Charles A. Jonas to be United States attorney for the western district of North Carolina is before the Senate on an adverse report from the Committee on the Judiciary. As a member of the subcommittee submitting to the general committee an adverse report, I venture to offer to the Senate the reasons which actuated the committee in its action in the matter.

There seems to be no serious question about the ability of Mr. Jonas as a lawyer nor as to his general character. In both respects he is attested by many letters filed with the committee from residents of his State, members of the bar, both Democrats and Republicans. The objection rests upon some contributions which he made to the newspapers of his State deemed by the two Senators from the State of North Carolina to be a serious reflection upon a member of the Senate, upon a committee of the Senate, upon the Senate itself, and upon the courts of the State of North Carolina.

Mr. Jonas was elected a Member of the House of Representatives in the campaign of 1928 and served from the 4th of March, 1929, until the 4th of March, 1931. He was defeated for reelection in the campaign of 1930. He ran on both occasions as a Republican candidate for Member of Congress. He informed the committee that he began life as a Democrat, but, either perceiving the error of his ways or upon some other consideration, he joined the Bull Moose Party and subsequently became converted to the true tenets of Republicanism and ran as a Republican candidate on the occasion referred to.

However, he was defeated and then nominated for this position by the President some time before the 4th of March, 1931, when he was to retire as a Member of the House from his district. At that time he was opposed by the present senior Senator from the State of North Carolina [Mr. MORRISON], whose objection was sufficient to carry the nomination over the session. Mr. Jonas was again nominated by the President, having meanwhile been given a recess appointment, and is now strenuously opposed by both of the Senators from that State for the reasons to which I have heretofore adverted.

It will be recalled that during the summer preceding the election of 1930 a committee was appointed, as had been customary in anticipation of congressional elections for quite a number of years, to inquire into campaign expenditures, expenditures made in the promotion of elections, of which committee the Senator from North Dakota [Mr. NYE] was made chairman. Similarly, anticipating the election of 1928, a committee was appointed, of which the Senator from Oregon [Mr. STEIWER], as my recollection now serves me, was chairman, and for the election of 1926 the famous Reed committee was appointed, of which the former Senator from Missouri, James A. Reed, was chairman.

In the pursuit of the duties of the first-mentioned committee the Senator from North Dakota [Mr. NYE] visited the State of North Carolina and apparently learned of nothing that transpired in the election in that State which seemed to be worthy of very serious attention from his committee. Nevertheless he aroused the antipathy of Mr. Jonas, who, on January 13, 1931, caused to be published in the Greensboro Daily News an article which apparently had been quite deliberately prepared, in which he stated as follows:

> Representatives of the Nye committee continued to assemble evidence of alleged fraud in the 1930 primary and general election in North Carolina. What the committee will finally do about the North Carolina situation no one seems to know. I have never met or spoken to Senator NYE or any other member of the committee in my life. I have never believed Senator NYE intends to seriously investigate the North Carolina case if he can help it.
>
> If the Democrats did not pay him to come to the State and without any serious effort to secure evidence give out a statement that the situation in the State is "refreshing," then they at least owe him a debt of gratitude. Never was there a plainer case of an attempt to whitewash. As an investigation, his conduct in the State was painful, pitiful, and puerile. He is a fiend for publicity, as are all the sleepy-eyed, dreamy "sons of wild jackasses" in the Senate. He could cuff old Vare and other regular Republicans around with impunity, and the press and politicians, including those in North Carolina, would rollick with glee and bid him "Lay on, Macduff"; but when he came to North Carolina and innocently asked those charged with fraud whether they had been naughty, he got not only a frost and newspaper reminder that he had no business "meddling with our affairs," but also a fatherly lecture from the witness stand to the effect that North Carolina has a hundred counties, and, after all, $100,000 is not an enormous sum as election matters go.

The letter continues to the effect that gross frauds were perpetrated in the North Carolina election, and that it was useless to attempt to secure any redress whatever or correction of those evils through the courts of North Carolina. The imputation thus extended is quite sternly resented by the Senators from North Carolina; but I pass that for such consideration as they may care to give it.

I digress to remark, however, in this connection that whatever frauds may have occurred in the election in North Carolina, Mr. Jonas tells us they had no relation whatever to the matter of the expenditure of money. He makes no contention whatever that there was any undue expenditure of money or any unlawful expenditure of money in the State of North Carolina.

Mr. REED. Mr. President, will the Senator yield for a question?

Mr. WALSH of Montana. Yes.

Mr. REED. If I correctly heard the Senator, there was an imputation of a possible payment of money to Senator

NYE. Would the Senator be so good as to read that sentence again?

Mr. WALSH of Montana. Yes. The sentence reads:

I have never believed Senator NYE intends to seriously investigate the North Carolina case if he can help it. If the Democrats did not pay him to come to the State and, without any serious effort to secure evidence, give out a statement that the situation in the State is "refreshing," then they at least owe him a debt of gratitude.

I place my opposition to Mr. Jonas upon that statement and upon that statement alone, and I advert to the other matters by way of explanation.

Mr. REED. Mr. President, will the Senator from Montana yield for another question?

Mr. WALSH of Montana. Yes.

Mr. REED. The Senator does not mean that any of the other criticism against Senator NYE is not within the proper field of criticism to which any public official may be subjected?

Mr. WALSH of Montana. Except in this regard: Any criticism that might be directed against Senator NYE for not having carried on a sufficiently drastic investigation to determine whether or not money had been unlawfully or excessively expended in the State of North Carolina would not be excepted to by me; but that is not the point. He makes no point that Senator NYE was open to any criticism whatever because he did not investigate that matter thoroughly; he concedes that there was no ground for any investigation of that character; but he complains because Senator NYE did not investigate frauds totally unrelated to the question of the expenditure of money.

Mr. REED. I think, of course, that any of us should be subject to criticism, even wholly unfounded criticism, of our public acts; but the point that I caught as the Senator was reading it was the imputation of possible bribery; and it seems to me that that, in the absence of some evidence to sustain it, goes beyond the point of fair criticism.

Mr. WALSH of Montana. That is the point I am making. This, it seems to me, is plainly a libelous charge, without, as the gentleman who uttered it says, the slightest foundation for it. He claims that he was laboring under an entire misapprehension; that he had no idea that the Nye committee was confined in its investigation to the matter of the expenditure of money. He was interrogated as to whether he did not know that the Reed committee, for instance, was appointed for the purpose of determining about the amount of money that had been expended; whether the Steiwer committee had not been appointed for that express purpose; but, although he was a Member of Congress, he disclaimed any knowledge of that fact but supposed that the committee was there for the purpose of inquiring into any frauds that might be committed in the prosecution of an election.

I should say in this connection that Mr. Jonas makes an explanation of this article. He tells us that the article was prepared by him, not at one time but a portion at one time and a portion at another time, and then the whole thing was thrown together; that having prepared it for publication in the North Carolina newspapers he caused it to be delivered to the correspondent of the Greensboro Daily News and other newspapers in North Carolina; and, having done so, he reflected upon the matter and reaching the conclusion that the observations to which I have called attention ought not to be made, he sought to get the copy back from the reporter.

Really what he said was that he prepared a revised copy, leaving out the two initial paragraphs that give offense, and that his stenographer made a mistake and gave out the original draft instead of the revised draft to the newspaper reporter; that it was on the eve of the close of Congress when he was very busily engaged, as is indeed quite likely, and that, learning of the thing, he sought to call the copy back from the reporter for the Greensboro News; and that he hunted all the afternoon and all the evening for him, but was unable to find him, and thus was unable to get the copy back. He was asked why he did not telegraph to the paper in that event to "kill" the article, and he said that that method had not occurred to him. Anyway, he was interrogated then as to what other newspapers printed the revised copy, and it was disclosed that no other paper printed either one or the other copy, the Greensboro News alone carrying the article.

I have no doubt in the world that the charge is libelous even though it is put in the subjunctive form. The statement, "If Senator NYE was not paid by the Democrats they owe him a debt of gratitude," it seems to me is quite as libelous as though he had directly charged that to be the case, and, as I say, and as he now states, without the slightest foundation for it and without any investigation upon his part, apparently, or even a recollection of the fact that Senator NYE was not called upon to investigate anything except the expenditure of money.

But there is antother offense. The article, as will be observed, bears date of January 13, 1931. It was stated on behalf of Mr. Jonas that the article was written in the heat of a political campaign and that many things are uttered at such times which are hastily spoken, but it will be observed that is not the case, for the article is in a newspaper which bears date of January 13, 1931, some two months after the election took place.

Mr. FLETCHER. Mr. President, may I ask the Senator whether the article is signed by Mr. Jonas or whether it is a newspaper reporter's interview with him?

Mr. WALSH of Montana. No. It starts off as follows:

WASHINGTON, *January 12.*

[Daily News Bureau and Telegraph Office, 623 Albee Building (by leased wire)]

WASHINGTON, January 12.—Representative Charles A. Jonas, member of the Republican National Committee, to-day commented on the alleged election frauds that have been committed in the State during the current year in a manner that bordered on the sensational.

Then it says—

Said Mr. Jonas: "Representative of the Nye committee"—

And so on, and so on. And Mr. Jonas tells us that he actually prepared the article and does not question the authenticity of it at all. But on the 5th day of March the Raleigh News and Observer, another North Carolina newspaper, carried an article by its Washington correspondent, Mr. H. E. C. Bryant, whom, I have no doubt, many of the Senators know, a highly honorable gentleman whose acquaintance I have enjoyed for many years, even before I came to the Senate. That article reads as follows:

WASHINGTON, March 4.—The contest threatened by George M. Pritchard for the seat of Senator BAILEY was launched in the closing hours of the Senate to-day.

"This," Representative Charles A. Jonas said to-day, "is the first part of my answer to the attacks made on me by Senator MORRISON and others."

Mr. Bryant continues:

There was a suspicion that the Pritchard action resulted from the failure of Mr. Jonas's nomination for district attorney. The Jonas declaration makes that clear.

Let me read that again:

"This," Representative Charles A. Jonas said to-day, "is the first part of my answer to the attacks made on me by Senator MORRISON and others." There was a suspicion that the Pritchard action resulted from the failure of Mr. Jonas's nomination for district attorney. The Jonas declaration makes that clear.

Pritchard was the opponent of Senator BAILEY in the election in November, 1930. There were rumors from time to time that he might or would institute a contest against the election of Senator BAILEY, but up to the 4th day of March no contest had been filed. Meanwhile, as I have heretofore stated, Jonas had been nominated for the office of United States district attorney, and his nomination was then being opposed by the Senator from North Carolina [Mr. MORRISON]. In that situation of affairs the Pritchard contest is filed, and Mr. Jonas, when asked what is meant by that, says:

That is the first part of my answer to the attacks made on me by Senator MORRISON and others.

Mr. Jonas was interrogated about that and said that perhaps Mr. Bryant misunderstood him. Mr. Bryant says in an article printed later that there is no possibility of a

mistake about it at all. Mr. Jonas then said that he would not undertake to dispute whatever Mr. Bryant said about the matter, and that if Mr. Bryant said he made that statement he made it, but what he really meant was that the Pritchard contest was filed in order that he might have an opportunity in that contest to detail the alleged frauds which had occurred, as he contended, in the North Carolina election, and that in that way the institution of the Pritchard contest would be an answer to the attacks made upon him by Senator MORRISON. That, however, did not seem to the committee to be a very reasonable construction of the language. The construction of the language put upon it by the correspondent, Mr. Bryant, seemed to the committee, at least to myself, very much more reasonable and likely than the one offered by Mr. Jonas.

Mr. MORRISON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from North Carolina?

Mr. WALSH of Montana. I yield.

Mr. MORRISON. I desire to ask the Senator at this point whether there was any evidence before the committee that I had made any attack upon Mr. Jonas?

Mr. WALSH of Montana. None, except that it was in evidence that his confirmation as United States district attorney was being opposed by the Senator from North Carolina.

Mr. MORRISON. But there was no evidence that I made any attack upon him at all. I simply filed a paper and said to the committee that it embodied my objections to him. I made no attack upon him at that time or any other.

I do not desire to say anything further, Mr. President. I think it no small offense upon the part of Mr. Jonas thus, without any justification whatever, to assail a Member of this body engaged in the discharge of the duties with which he is charged by the Senate of the United States. The work, in my estimation, was an important piece of work, and, so far as I have been able to judge, was fairly discharged. Anyway, there was nothing in the North Carolina situation that seemed to warrant any such assault upon the chairman of the committee discharging the duties, as I say, with which he had been intrusted by the Senate.

Mr. REED. Mr. President, will the Senator yield for a question before he takes his seat?

Mr. WALSH of Montana. I will.

Mr. REED. I feel, as does the Senator from Montana, that that statement, although it was in the subjunctive, was clearly libelous and would support an action. I am wondering, however, whether the fact that a nominee has libeled a Member of the Senate in some manner that has nothing whatever to do with his appointment is a sound reason for his rejection.

Suppose, for example, that Mr. Jonas said that I, as Senator from Pennsylvania, had been bribed to vote as I did on the tariff bill. If it was worth while, I would sue him, prosecute him; but I am wondering whether that would be a reason for the Senate to reject his nomination. It might go to show that he was a man of no discretion and no common sense, and we might reject him for that reason; but the fact that he had libeled me might or might not be a sound reason for rejecting him. What is the view of the Senator about that?

Mr. WALSH of Montana. I rather think the presumption would be that a man who had committed a libel against a Member of the Senate ought not to be elevated to public office by the assent of the Senate; but I go farther than that. This man is to be charged with important public duties. He is to be the United States prosecutor in that district. He is to prosecute diligently and with vigor every man whom he believes guilty of crime, and he is to be equally steadfast against subjecting to prosecution any citizen who in his judgment is not guilty of crime. He seems to me wholly given over to his unreasoning passions about some things, at least. Moreover, it will be observed that he tells us that his acquaintance with the law is so limited that he did not even know that the Nye committee was restricted in its functions to examination into the question of expenditure of money in the campaign.

His attention was called to the fact that the people of his State and of the South generally for many years have been strenuously objecting to any Federal investigation of their election proceedings or of their election laws; and in view of that situation, when all of our laws in relation to elections or control over elections anywhere in the country have been repealed except with respect to the expenditure of money in the conduct of elections, he was asked how he could imagine that the Nye committee was down there for the purpose of investigating frauds in the election in North Carolina arising out of what he contends are frailties in the election laws of the State of North Carolina; and he was obliged to say that that matter had not occurred to him at all.

It seems to me that all this goes to impeach his fitness for the office.

Mr. GEORGE. Mr. President, before the Senator from Montana takes his seat, may I ask him a question?

Mr. WALSH of Montana. Certainly.

Mr. GEORGE. I understood the Senator to say that Mr. Jonas attempted an explanation or made an explanation of the second article quoted, in which he used the expression describing the contest filed by Mr. Pritchard against the junior Senator from North Carolina; but I should like to ask the Senator if there was any denial that he used the language that was attributed to him?

Mr. WALSH of Montana. He practically admitted the language. He said, in the first place, that he thought Mr. Bryant had misinterpreted what he had said, but he eventually said that he would not dispute whatever Mr. Bryant said about it.

Mr. GEORGE. And offered an explanation which the Senator went into?

Mr. WALSH of Montana. Yes.

Mr. GEORGE. But I want to get clear in my own mind whether he denied having made that statement.

Mr. WALSH of Montana. No; he did not.

Mr. SCHALL. Mr. President, a very fair statement of the issue, I think, has been made by the Senator from Montana. However, I do not coincide with his conclusions.

It seems to me that the best way to get at the meat of this problem is to read the minority report and Mr. Jonas's testimony in reference to the Greensboro article and the Pritchard-Bailey contest.

[Senate, Executive Report No. 1, Seventy-second Congress, first session]

NOMINATION OF CHARLES A. JONAS

Mr. SCHALL, from the Committee on the Judiciary, submitted the following minority views:

We favor the confirmation of the nomination of Charles A. Jonas to be United States attorney for the western district of North Carolina and submit to the Senate our reasons for our position, as follows:

1. There has been submitted to the Judiciary Committee of the Senate abundant and reliable evidence from members of all political parties, including Judge E. Y. Webb, district judge of the western district of North Carolina, to compel the conclusion that Mr. Jonas is a man of unexceptionable personal character, a lawyer of ability, learning, and experience, and an upstanding citizen in his State, who has held various legislative and administrative positions, all of which he has filled with credit to himself and to the public. In fact, not a single criticism of the personal character, professional experience, or ability of this appointee was developed before the committee. On the contrary, Senator WALSH, chairman of the subcommittee which heard Mr. Jonas, stated to the full committee that he had received a great number of letters from judges, lawyers, and other citizens of North Carolina testifying to the excellent standing of Mr. Jonas as a lawyer and citizen. Senator WALSH says, page 17 of the printed hearing before the subcommittee:

"The CHAIRMAN. I feel like saying, Mr. Jonas, that I have had a large number of letters speaking of you, both as a man and as a lawyer, in terms of the very highest. And have had nothing to the contrary."

2. Mr. Jonas has served as United States attorney for the western district of North Carolina since March 4, 1931, under a recess appointment, and has theretofore held the office of assistant United States attorney in this district for a number of years, and in both positions he has demonstrated his ability, energy, and disposition to prosecute all cases on behalf of the Government without fear

or favor. In proof of his fitness and capability for the place for which he has been nominated, we quote herein a telegram from Judge E. Y. Webb, United States district judge for the western district of North Carolina, addressed to a member of the committee; a quotation from the chief law officer of the Veterans' Bureau, advising as to his efficient conduct of cases on behalf of that bureau; and a letter from the Department of Justice, in which the full and complete satisfaction of that department with Mr. Jonas's conduct of his office is set forth. These communications are as follows:

[Telegram]

SHELBY, N. C., *February 7, 1932.*

Senator THOMAS D. SCHALL,
United States Senate, Washington, D. C.:

Answering your telegram asking my opinion of the character, ability, temperament, and general qualifications of Charles A. Jonas for United States attorney, beg to say that, in my opinion, his character and legal ability are good. He has served for a number of years as assistant district attorney and as United States attorney in the court over which I preside, and I regard him a conscientious, vigorous, and efficient public official. In the performance of his official duties I have seen nothing deserving censure or criticism.

E. Y. WEBB,
United States District Judge.

The following is an excerpt from a letter dated August 7, 1931, written by J. D. DeRamus, of Charlotte, N. C., insurance attorney of the Veterans' Bureau, to Maj. William Wolff Smith, special counsel on insurance claims:

"Mr. Jonas evinced a keen interest in the defense of all the cases and took an active and energetic part in the trials. He thoroughly familiarized himself with every case before it was called for trial; and notwithstanding the fact that these were the first war-risk-insurance cases to come on for trial since his appointment as United States attorney, he was well versed in the law and court decisions pertaining to war-risk insurance. He is a very brilliant lawyer, and this, coupled with his splendid reputation and wide experience, was in a large measure responsible for the Government prevailing in the 14 cases. We believe it to be a most unusual record for the Government to prevail in 14 insurance cases, without judgment being entered against it in a single case during one term of court.

"This matter is called to your attention in order that you may know the excellent cooperation which the office of the United States attorney for the western district of North Carolina gives to the Veterans' Administration. It is a genuine pleasure for us to transact Government business with that office. If same meets with your approval, we suggest that you extend to Mr. Jonas and the Department of Justice our appreciation for the active and full cooperation given the Veterans' Administration in connection with the proper defense of war-risk-insurance actions."

DEPARTMENT OF JUSTICE,
Washington, D. C., March 3, 1932.

Hon. THOMAS D. SCHALL,
United States Senate, Washington, D. C.

DEAR SENATOR: Charles A. Jonas was given a recess appointment as United States attorney for the western district of North Carolina on March 5, 1931. Since that time his service has been diligent, conscientious, and effective. The Department of Justice feels that his work has been very satisfactory.

Yours very truly,

CHARLES P. SISSON,
Assistant Attorney General.

The personal character, experience, and professional fitness of Mr. Jonas being thus apparent, it remains to inquire whether he possesses any temperamental traits which disqualify him for the place.

Senator J. W. BAILEY, of North Carolina, has filed with the Senate Judiciary Committee a complaint of seven specifications, from which he concludes that Mr. Jonas should not be confirmed. We are interested in but two of these specifications, namely, that he instigated the Pritchard-Bailey senatorial contest from North Carolina in bad faith for the purpose of forcing Senator BAILEY'S support for his confirmation; and that he has harshly criticized the Senate Committee on Investigation of Contributions and Expenses of Senatorial Candidates and attributed to it unworthy motives.

Mr. Jonas has emphatically denied before the Senate Subjudiciary Committee that he had in any wise aided or abetted in the instigation of the Pritchard-Bailey senatorial contest for the purpose alleged and states that, although he understood that such contest was under consideration, he had never at any time thought of it or contemplated its use for the purpose alleged by Senator BAILEY, and, in the absence of definite specifications on this point, we do not dwell further upon this aspect of the case.

The alleged severe and unjustified criticism of the Committee on Investigation of Contributions and Expenses of Senatorial Candidates and the imputation to it of dishonorable motives is, however, a matter for the consideration of the Senate.

While Mr. Jonas admits that he did in fact make certain severe strictures upon what he understood to be the acts and omissions of Senator NYE'S committee while in his State, a fact that he now deeply regrets, he denies that he had any intention whatever of reflecting upon the honor and integrity of the committee or any member of it, or of questioning their honest intentions, and he has made personal apology to Senator NYE and the committee. He states that his criticims had their inspiration in the fact that he, as national committeeman of his party for the State, had, at the time of his utterances, a great mass of evidence of the commission of extensive frauds in the election of 1930, which he thought the committee's inquiries would reveal, and in the further fact that leading Democratic politicians and Democratic newspapers of the State had hailed the result of the committee's inquiries as a party triumph. That he was, at the time he made such strictures, of the belief that a thorough inquiry into these charges by Senator NYE'S committee would awaken public attention to the situation and bring about a change in election methods through State legislation; that although he knew that the Federal Government had but little control over elections in the States, he, nevertheless, believed that the committee was in a better position than any other agency to reveal, as an incident of its inquiries, the actual facts in relation to the conduct of elections in his State.

It appears from his testimony before the Subcommittee on the Judiciary that he expected more from the committee's inquiries than its limited authority would warrant, and this misunderstanding appears to have added to his provocation; that upon his realization of the fact that the committee's duties were limited to an inquiry into primary-election expenditures in the election of 1930, he became conscious that it had performed its functions faithfully within the limits of its authority and that he could not have rightly expected more from it.

We have no thought of discussing, or making any criticisms of, North Carolina election methods and have no knowledge as to the actual facts in the premises, and merely recount these representations by Mr. Jonas in order that his state of mind at the time of the alleged utterances may be duly appreciated. We are fully aware that the purpose of the committee in his State, and its only authority, was to ascertain whether there had been undue and improper expenditures of money in the senatorial primary of 1930, and we have no doubt that that duty was performed to the best of the committee's ability and understanding.

The necessities of the committee's inquiries within recent years have been of so great and important nature that its investigations have necessarily had to be more extensive and searching than any like inquiries heretofore made, and it is not too much to say that many intelligent newspapers and citizens, from lack of understanding of all the facts and circumstances of these important cases, have made severe criticisms of the acts of the committee, and it can not be said that such criticisms have, in all instances, arisen from improper motives or a disposition to impede the work of the committee. It is not our aim to justify these criticisms, but to give, as well as we can, the proper coloring of the situation in which they were uttered.

As for his criticisms of the committee, we do not deem them destructive of the character, integrity, or usefulness of the committee, and have no thought that its standing will be impaired by them. We feel deeply the duty of protecting the Senate, and particularly the Members from Mr. Jonas's State, from any embarrassment or improvident approval of an unworthy nominee for a high public position. The dignity and rights of the Senate, and due deference to the Members from the different States, must at all times be maintained. We have taken all these factors into consideration in considering the Jonas case. That his criticisms of the committee were unduly severe, as well as ill founded, is clearly apparent. But we are of the opinion that the chief constitutional aim in requiring senatorial approval of presidential appointments is the certainty of the personal character of the nominee and his ability and fitness to discharge the duties of the place whereunto he has been named, and not any mere incidental foible or weakness of temperament or expression, things of which all men are more or less heir. Our Government is founded upon the honest criticisms of intelligent public opinion. That the right of criticism will often lead to excesses, all men know. In these days all public men and public measures are under the searchlight of inquiry and criticism. But while unguarded and unwarranted criticisms of men and measures are to be deplored, it is too much to expect that men shall be free from them.

We think it clear from the record that Mr. Jonas is a man of uprightness of character and integrity; that he is a learned, experienced, and ethical lawyer; that he has demonstrated his ability to discharge faithfully and efficiently the duties of his trust; that he has filled a number of public places in his State, and always with credit to himself and the public; that, while his criticisms of the Committee on Contributions and Expenses of Senatorial Candidates are to be deplored, they do not affect either the good name of the committee or of the Senate as a whole; and, furthermore, the nominee's good character and professional fitness being demonstrated, and there being no suggestion of any criticism by him of the Senators from his State, or either of them, we do not find any grounds for holding him obnoxious to them, and we, therefore, recommend his confirmation.

Respectfully submitted.

Mr. President, the Members voting for the minority report were Senators BORAH, HASTINGS, ROBINSON, HEBERT, AUSTIN, WATERMAN, and SCHALL.

Several charges were made against Mr. Jonas by Senator BAILEY, but they were held immaterial by the entire Judiciary Committee except those that were concerned with newspaper statements relative to the Nye committee in-

vestigation of election expenditures and the Pritchard-Bailey contest.

The objections to Mr. Jonas because of what he said about the Nye committee are based on a newspaper article that appeared in the Greensboro Daily News at Greensboro, N. C., on Tuesday morning, January 13, 1931.

Mr. President, it might be well to state here in order that the Senators may understand the psychology of the situation and the smarting condition of Mr. Jonas's mind, that Mr. Jonas was elected to the House of Representatives in 1928 and was defeated in 1930 and that he felt his defeat was contributed to by misinformation published in the newspapers concerning the Nye committee. The article referred to follows:

Representatives of the Nye committee continue to assemble evidence of alleged frauds in the 1930 primary and general election in North Carolina. What the committee will finally do about the North Carolina situation no one seems to know. I have never met or spoken to Senator NYE or any other member of the committee in my life. I have never believed Senator NYE intends to seriously investigate the North Carolina case if he can help it. If the Democrats did not pay him to come to the State and, without any serious effort to secure evidence, give out a statement that the situation in the State is "refreshing," then they at least owe him a debt of gratitude. Never was there a plainer case of an attempt to whitewash. As an investigation, his conduct in the State was painful, pitiful, and puerile. He is a fiend for publicity, as are all the sleepy-eyed, dreamy "sons of wild jackasses" in the Senate. He could cuff old Vare and other regular Republicans around with impunity, and the press and politicians, including those in North Carolina, would rollick with glee and bid him "lay on, McDuff," but when he came to North Carolina and innocently asked those charged with fraud whether they had been naughty, he got only a frost and newspaper reminder that he had no business "meddling with our affairs," but also a fatherly lecture from the witness stand to the effect that North Carolina has 100 counties, and after all $100,000 is not an enormous sum as election matters go. And NYE apologetically exclaimed through the press, "how refreshing!" And moved on to where the right kind of publicity awaited. True, he found in one day evidence of a number of substantial expenditures in behalf of the successful senatorial candidate not accounted for in his sworn report, but the atmosphere was too drab for him to linger when Nebraska offered so much more excitement of the kind he was seeking.

* * * * * * *

The Charlotte News rightly said a few days ago there should be a complete investigation. But when, how, and where? There is little use to depend upon the Nye committee. Besides, our Democratic friends do not desire that committee to nose around too much in the State. Criminal actions in the courts are out of the question, if for no other reason than the multiplicity of actions and enormous expense and time required if private citizens should undertake this method. Further, the case of double voting by Doctor Avery and wife at Maiden and the registrar case at Shelby completely show the futility of pursuing this course. The solicitors of the State could wake the dead if they were minded to perform great public service, forget politics, and sift these charges to the bottom in an impartial and nonpartisan way. But will they? One paper suggested I should assume the burden of proving these charges because I dared make public statement as to some of them. But no individual or group of individuals can successfully lay the facts before the people.

Mr. President, Mr. Jonas stated to the committee:

While I accept responsibility for that article, I deem it not improper to state the circumstances surrounding its preparation and publication. As published, it does not in several particulars represent my sentiments or purpose.

The material for the article had been assembled over a considerable period and in piecemeal. When the first draft was assembled, it included the first two paragraphs as published, containing the references to Senator NYE and others which are objected to. I corrected this draft personally by deleting all references that could be personally objected to by anyone. I was not interested in personalities. My complaint was against a system and not against persons.

A copy of the final draft was handed to me as I passed my office going from the Judiciary Committee room to the floor of the House. At the first opportunity I began reading my copy and was amazed to find the first two paragraphs were included as in the original. It was apparent to me that the final draft was made from the original instead of from the proofed draft.

I immediately called my secretary, Miss Lucy Rarey, to see that copies were not given the press until I could make proper corrections. I was informed copies had already been given out. Miss Rarey and I spent the evening and into the night endeavoring to recall the article. We succeeded except as to the copy given the Greensboro Daily News, in which case we did not get in touch with the correspondent until too late. Upon receipt of copy of charges, I wrote Miss Rarey to state her recollection of the incident to be filed with the committee. I attach hereto her reply, marked "Exhibit F."

I deny that I ever intended to "insult the members" of the Nye committee or "gravely reflect upon this committee" or impute to it or its members corrupt motives; and I deny that I ever intended to criticize or mention the committee or any of its members other than Senator NYE.

The provocation for the criticism I intended to make is as follows:

(a) Members of the Nye committee arranged to come to the State October 13, 1930 (three weeks before the general election), to investigate charges of primary frauds. The Asheville Citizen of that date said: "Nye group's right to hold probe challenged—supporters of BAILEY gather to plan fight. Mr. BAILEY, when seen at the manor last night declared the (Nye) committee is coming to North Carolina on the eve of election for purely political purposes"—characterizing the Nye investigation of the North Carolina primary as unprecedented. Editorially the same paper said: "Mr. Bryant [meaning Mr. H. E. C. Bryant, Washington correspondent] says that at Washington it is believed by persons conversant with the facts that the program for North Carolina is not a frank, sincere effort to get facts but a plan to appease outside Republicans who think the committee has devoted too much time to Republican States." I have filed with the committee the Asheville Citizen of October 13, 1930, as Exhibit G.

(b) October 14, 1930, the Asheville Citizen headlined "Bailey men delighted at outcome of Capital City inquiry," saying, in the body of the report, "Senator GERALD P. NYE, insurgent Republican, characterized the hearing as 'most refreshing in comparison with some of the things discovered in other States,'." In the same article Judge James S. Manning, Bailey campaign manager, was quoted as follows: "I am certainly pleased over the result of the investigation but in no sense surprised. The probe will serve to bring the whispering campaign to a close. The result of the affair will have the reaction of establishing confidence in the party organization and will greatly add to Mr. BAILEY'S prestige and aid in his election." I am filing with the committee copy of the Asheville Citizen of October 14, 1930, marked "Exhibit H."

(c) October 15, 1930, the Asheville Citizen headlined "Inquiry in this State pleases Nye committee—Absolutely nothing is found to verify any charges made—Terms conditions here refreshing—Primary probers praise clean politics in North Carolina." Then followed: "Senator NYE stated he was frankly surprised at the facts brought out at the hearing here yesterday and at Raleigh Monday, and added that the refreshing nature of the campaign in this State in comparison with some of these investigated in other States was very noticeable." This issue of the Citizen is filed with the committee, marked "Exhibit I."

(d) In the Greensboro News of October 14, 1930, in a report of the investigation in the State, Senator NYE is quoted as saying, among other things, "What we have encountered here is most refreshing, and the committee congratulates you on your attitude. It has seemed nobody has tried to conceal anything; and if you have deceived us, you have been very clever in doing it. You have, it seems to us, been very jealous of your elections here." The press stated 200 witnesses had been subpœnaed by the committee for the hearing, and that 14 of them were examined. A copy of that issue of that paper is filed with the committee, marked "Exhibit J."

(e) Greensboro News of October 15, 1930, headlined "Nye probe viewed as big aid to campaign—Democrats regard outcome as year's best contribution to their cause." Under the above headline there appears the following:

"As to political corruption flowing out of lax election laws, the findings in Raleigh were even more in favor of the Bailey men than anybody had a right to expect.

"It was thought that the committee would at least rate the North Carolina laws as archaic, and thus a reproach to a free electorate. Instead the committee praised them. Mr. NYE thought the citizens of the State had been rather jealous of a good political name. There was a good deal to be said against certain looseness in the absentee ballot act, but the committee thought well of the election laws, an estimate not shared by thousands of good Democrats who had occasion to observe elections in recent years. Thus, the Nye-Patterson-Wagner visit has made the Democrats feel good. It turned up nothing that will be difficult to explain in a campaign; indeed, the answer of the Democrats to the conventional charges of the Republicans must be the report of the committee. To be sure, it isn't yet framed, nor has the Senate been asked to receive Mr. BAILEY. But Mr. NYE'S visit has nullified much campaign material which has been in circulation all the fall."

A copy of that issue of the Greensboro News is filed with the committee, marked "Exhibit K."

Based upon the above newspaper reports, there appeared many editorials in Democratic papers to the effect that the Nye Committee had made an investigation and approved election conditions and the methods here. I had not been interested in the Nye Committee investigation. Senator NYE was reported as interested chiefly in charges of large outside sums of money alleged to have been used in the primary, and I did not believe proof would be found of the use of such funds.

I did not "prejudge" the work of the Nye committee. I was objecting to its prejudgment by the newspapers when only a mere beginning had been made in taking testimony, placing the stamp of approval on election conditions in the State, allegedly out of the mouth of the chairman of a committee of the Senate, fixed with the duty of investigating these conditions, on the very eve of the general election, greatly prejudicing not only my own election but that of every candidate on my ticket. Every elec-

tion manipulator who read the reports and editorials felt that his practices had been approved. I felt a great injustice had been done me and my party associates.

In view of these reports, as to statements by Senator NYE which I had no reason to believe incorrect and under these conditions, I meant to say in my article that, whether intentionally or not, he had rendered our opponents service which was worth more than all the money they could spend and they were under a debt of gratitude therefor; and that the Senator was a fiend for publicity. That this part of the article contained language that should not have been used, I agree. That I ever intended that objectionable references or implications should appear, I deny.

Later Senator NYE stated publicly his references while in North Carolina to the investigation and conditions in the State had been misunderstood, and that he had meant only to compliment witnesses appearing before the committee and testifying fully without challenging the jurisdiction of the committee as in some other States. Thereupon I expressed to him sincere regret for any unintentional wrong I had done him. I have no reason to believe my apology was not accepted.

I have not called "14" or any other number of Senators fiends for publicity. The "vane" men spoke of originally as "colts of the wild ass" are not confined to section, creed, or class.

Nothing I have ever said was intended to "intimate that it [the Nye committee] might have been corrupt," nor do I concede that anything I said is susceptible of any such construction. I deny that anything I said was malicious. I again assert no objectionable references were intended by me to appear in that article. Such criticisms as I intended were made in good faith, in the belief that the newspaper reports of alleged statements and activities of Senator NYE while he was in our State were correct.

I deny that I have intentionally made false, wanton, or unfounded statements about election conditions in the State. I have called attention to frauds and irregularities alleged to have been practiced in our last election. I believe reliable information and complaints in my possession warrant the statements complained of. For many years I have pointed out evils existing in our election system and have agitated for fair and free elections, not for the purpose of dishonoring the State or insulting its citizens, but in the hope of securing for our people needed election reforms. Some of the leading Democratic newspapers and eminent Democrats, including Senator BAILEY himself, have labored diligently to point out existing evils and advocated their eradication. As evidence of this fact I attach hereto and mark as Exhibits A, B, C, D, and E.

Mr. President, I here quote only extracts of these exhibits, and ask that they be printed in full at the conclusion of my remarks.

(A) Report of speech by J. W. BAILEY in News and Observer of August 12, 1926:

This [meaning North Carolina] is supposed to be a progressive State, but it is the most backward of all, excepting possibly South Carolina, in the means of assuring a fair and accurate count of ballots. I say that our election and primary laws are not framed for the assurance of a fair election but for the purpose of enabling fraud to be perpetrated and of concealing the perpetrators. * * *

Take an instance back yonder in 1912, over in the second division of the first ward; it was at White's store. At that precinct they voted a setter dog. The dog with the ballot in his mouth, went up to the box and the ballot was placed in the box and counted. The man who did that made no bones about it; he regarded it as a great joke. There is no way to count the votes after they are cast and there is no power to go behind the registrar and poll holders to attack the dog's vote unless somebody shows an inaccuracy in making returns. There is no way to attack the returns in a primary.

(B) Extract from January 7, 1931, issue of Presbyterian Standard, Charlotte, N. C., containing part of sermon by Rev. R. F. Campbell, D. D., pastor of First Presbyterian Church, Asheville, N. C., dealing with election frauds in the State:

For instance, we have an absentee law, whereby under certain restrictions people who are absent or physically unable to go to the polls are enabled to vote. This thing is abused and perverted in a shameful way. There have been people, I doubt not, who voted the absentee ballot who were absent from this planet and it could not be known where they were. And no medium was present to communicate with them as to how they wanted their votes cast. These absentees did not vote; they were voted through corruption of the ballot by the ring.

(C) Report of hearing before house committee on elections on bill to repeal absentee ballot law, appearing in News and Observer, January 30, 1931:

Mrs. M. H. Harris, prominent Asheville business woman and property owner and member of the Asheville League of Women Voters' organization, minced no words in telling of abuses, stating that Asheville had many sanatoriums and that their patients had been voted regularly without their knowledge, and persons dead five years were continuing to vote.

(D) Copy of editorial in Greensboro Daily News, July 12, 1928, on grand-jury investigation of primary frauds in Robeson County:

That 10 more votes were cast in South Lumberton precinct than voters registered; that the same people in a number of instances voted in both North and South Lumberton precincts; that a citizen halted carloads of people in Britts No. 1 placing a marked ballot and a dollar bill in the lap of each voter. * * *

(E) Report of hearing before election laws committee of house of representatives appearing in Greensboro Daily News, February 14, 1929:

He (Westall) told how Miss Bonnie Franks, a school teacher, was voted as an absentee with Grady Turner as witness. She voted ballot 231 and did not authorize anybody to get her absentee ballot. Grady Turner is a fictitious name. R. L. Melton, former resident of Asheville, now living in Detroit, Mich., was voted twice in the precinct which was making Miss Franks so energetic. Melton was on the poll books as No. 393 and 580. Both witnesses, C. F. Flemming and Robert Bridges, are unknown.

Mr. President, I again quote Mr. Jonas:

I deny that I have ever in thought or word meant to question the integrity of character, charge with corruption or corrupt motives, or insult any Senator of the United States. I may have sharply disagreed with Senators and criticized their course of action, as I criticized Senator NYE because of published statements and activities attributed to him in connection with the investigation of the 1930 primary in North Carolina, which criticisms are the basis of the principal charge against me. But I assert that it was never in my mind or heart to insult or attribute evil or corrupt motives to Senator NYE or any other Senator. For any statement of mine considered by Senator NYE or any other Senator as personally insulting, or which is susceptible of interpretation that would impute evil or corrupt motive, I express sincere regret and apology, not for the purpose of influencing the result of this investigation but as a duty one gentleman owes to another.

Quoting Mr. Jonas further:

Now, may I say this also? I do not want to unnecessarily take up time here. There is no reason in the world—my whole habit of life would contradict the idea that I ever intended to characterize the so-called progressives in the Senate in an uncomplimentary way. My father was a Populist and he was called one of the dreamy-eyed wild men of his day. I was brought up in the Populist Party. I left the Populist Party after it died. In 1912 I left the Republican Party and gave out a statement there and became one of the loudest-mouthed Bull Mooses in the State of North Carolina, and was read out of the Republican Party by it.

In 1916 I went to the Chicago convention and voted for Theodore Roosevelt up to the very last breath.

In 1920 Senator HIRAM JOHNSON came through my town, and I was one of his supporters in 1920, and I sent my 16-year-old son to Chicago as a rooter for HIRAM JOHNSON.

I tell you that to say that I meant—and may I go farther in saying that I regard Senator BORAH as one of the ablest men in the United States? He came into my district in 1928 and did more than any other man in America to elect me to Congress. To say that I would refer to Senator BORAH in those terms—it was far from any intention of mine.

Mr. President, the only other objection considered by the entire Senate Judiciary Committee as material was the newspaper statement of Mr. Jonas's reference to the Pritchard-Bailey contest.

The junior Senator from North Carolina [Mr. BAILEY] claims that Mr. Jonas shows his unworthiness of confirmation by reason of making a certain statement in answer to a question by a certain Washington correspondent, Mr. H. E. C. Bryant, about the said Pritchard-Bailey contest, asking Mr. Jonas for a statement wherein Mr. Jonas answered that he would make a statement later, but at which time the said correspondent quoted Mr. Jonas as follows:

This is the first part of an answer to the attacks made on me.

About this statement Mr. Jonas has the following to say:

The Pritchard contest was not instigated by me or by anyone else as a result of holding up my confirmation. The contest had been considered seriously long before my appointment as United States attorney was made. Senator BAILEY filed with the committee the Greensboro News of January 20, 1931; that was almost a month before I was appointed. That paper front-page headlined: "Now appears likely Pritchard will start contest—many higher-ups in G. O. P. reported to favor this action."

The inference that the contest was a threat against Senator BAILEY to force him to agree to the confirmation of my appointment is not well founded. At that time I had absolutely no intimation that the Senator would oppose my confirmation. The Pritchard contest and the confirmation of my appointment, so far as I am concerned or have any knowledge, have no relationship.

Mr. H. C. Bryant called me on the telephone while I was in the House March 3, 1931. Everybody was in a hurry. Congress was about to adjourn. It was my last day as a Member. He asked me for a statement about the Pritchard contest. I told him I had no statement to make and did not desire to be quoted, but I would give him a statement in a few days, which statement appeared in his paper on March 8. The relationship between the contest and my case was mentioned, and language in substance similar to that carried in his dispatch in the News and Observer of March 5 filed with the committee by Senator BAILEY (but was not the language used in the written objections) was used. If I used that language, I meant only that since opposition to the confirmation, as I understood, was based on my statements about election conditions in North Carolina, an investigation would determine whether they were justified or I had "slandered the State." To interpret that incident or anything I said as an attempt on my part to threaten or cajole Senator BAILEY or any other person to support my confirmation (which I did not then know he opposed) is to give is a meaning wholly at variance with any thought I ever entertained.

My record of five years prosecuting the docket in the United States district court of my district should be some evidence as to my fitness to serve as United States attorney. The judge of the district is a Democrat and a former chairman of the Judiciary Committee of the House of Representatives. His unqualified indorsement of me was filed with the Department of Justice when I was appointed. If he will state I am temperamentally or otherwise unfitted to discharge creditably the duties of this office, I shall resign forthwith. I have tried to discharge the duties of the office in a sane and impartial manner. If confirmed, I shall continue to do so, without regard to creed, class, color, or influence. I appeal from the accusation to the record.

I deny that I have ever meant to say or intimate that Senator BAILEY, Senator MORRISON, any Member of the House, or any responsible leader in the State Democratic organization participated in, approved, or encouraged corruption, fraud, or unlawful or evil practices in regard to our elections. I assert again my criticisms have been entirely impersonal and made in good faith.

Mr. President, I have some newspaper clippings and editorials I ask to have inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The clippings and editorials appear later.)

Mr. SCHALL. Mr. President, the safety of our Republic lies not in our growth alone, not in our armies and navies, not even in the perfection of our laws, for laws may be disregarded, and a disregarded law is poison. It eats away the very foundation upon which rest our liberties. The safety of our Nation is the devotion of our people to its free institutions, free speech, and our public schools.

Mr. Jonas, as a graduate of our public schools, has only exercised his right of free speech in an attempt to purify the method of elections in his State. He is a self-made man and he has done a good job.

He worked his way through the common schools and the high schools. Thinking that a high-school education was not sufficient when opportunity was afforded for a better one, he entered the University of North Carolina. He worked his way through the university by waiting tables, chopping wood, pounding carpets, doing anything he could do to earn an honest dime. He graduated from the university in 1902 with a bachelor of philosophy degree. He continued in the university, studying law and later was admitted to the bar and is now acknowledged one of the greater lawyers of the great State of North Carolina.

The record is overflowing with more than a hundred letters from prominent and vital people of his State as to his ability as a lawyer, his honesty and uprightness as a man, and his general interest in mankind. Everywhere he is recognized as a hard-hitting, red-blooded, two-fisted fighter. When he believes he is right he stands upon that decision though the heavens may fall. Because of his sterling, positive character, no one, not even his political enemies, have presumed to utter one word against him as a man, a neighbor, and a citizen, nor has there been any other thought expressed than that he is one of the best lawyers in the State. His integrity has been without question. He stands preeminently from that hearing as one of North Carolina's great and trusted citizens. Judges and lawyers from all over the State have indorsed him.

Educated in the school of toil and hard knocks, as well as the school of science, arts, and literature, he is deemed specially qualified to fill any office in the gift of his State or his country. He is one of the common people, knowing their trials and tribulations because he came that way himself.

Mr. President, I think a good judge or a good prosecuting attorney or for that matter any public official is not fully qualified to take that position and do justice to it without having had the experience of earning his own way, of helping himself and doing the things that the ordinary person must do. Those public men who come to high position who have not had this experience of the common man, knowing his trials and tribulations, are not equipped to understand humanity and are, too often, because of that lack of understanding, impelled to make decisions that lack justice and understanding.

That the people he lives among have every confidence in him is shown in that he was elected to the State house of representatives and twice elected as State senator. In 1916 he was elected to the board of trustees of the University of North Carolina by a Democratic legislature and still serves on that board. He has served for five years as assistant United States attorney, showing unusual experience for this particular office to which he has been nominated by the President.

In 1928 he was elected by his congressional district to the House of Representatives here in Washington and made an excellent and able Representative. In 1930 he was defeated for reelection to Congress and felt that that defeat was in a large measure due to misinformation printed in the newspapers concerning the investigation of the Nye committee. Smarting under that defeat, as he himself puts it, he indiscreetly made a statement that was printed in the Greensboro News and from which arises all this hullaballoo concerning his confirmation.

The Nye committee came to North Carolina along the middle of October, just a little time before election. Senator BAILEY himself said concerning the Nye committee:

Is coming to North Carolina on the eve of election for purely political purposes.

And stating further, Senator BAILEY said:

The Nye investigation of the North Carolina primary was unprecedented.

Senator WALSH just now criticized Mr. Jonas for not knowing that the Nye committee only had power to investigate expenditures. I think it is fair to assume that if Senator BAILEY did not realize at this time that the Nye committee had only the power to investigate expenditures that it does not entirely condemn Mr. Jonas for not knowing it. The newspapers, in my opinion, are entirely to blame, because of misinformation printed concerning what the Nye committee was going to do and what they did do for Mr. Jonas's attack upon Senator NYE. Anyway, the information printed in the newspapers is the information that is in the minds of the people and must be met. Had Mr. Jonas realized that the Nye committee was only investigating expenditures and that it did not pretend to go to the conduct and manner and method of handling those elections, I do not believe that the statement complained of would have been made.

Senators, you have heard Mr. Jonas's testimony concerning what he did to try to head off this statement. You have heard also of his fight in trying to bring about fair and honest elections in the State. By his statement he was only attempting to bring to the attention of the people the disregard for the election laws of his State. There is nothing unusual in this attempt that he should be denied confirmation. Senator BAILEY used even more trenchant words in his condemnation of the disregard for those same election laws, yet he is objecting to Mr. Jonas for making the same kind of a fight for the same end.

Hear Senator BAILEY as he says:

We need the Australian ballot system but even that is not proof against corruption. Pennsylvania has the Australian ballot but you saw not long ago what happened up there; Illinois has it, and you read about corruption in the recent primary in that State.

Again he says:

They spend millions in Pennsylvania and Illinois for an office that pays $10,000 and lasts but six years. They don't spend that

much in North Carolina because they don't have to, but they do spend $250,000 in North Carolina, and if it becomes necessary to spend a million they will spend it.

Mr. Jonas was laboring under the idea that the Nye committee had the right to look into frauds of election, such as Mr. BAILEY called attention to in a speech. Mr. BAILEY said that North Carolina was the most backward State in the Union except South Carolina, and he said that they voted dogs and counted the ballots, and that votes were counted that had been put into the ballot box written upon cigarette papers.

I notice in the record letters and newspaper clippings galore where Democrats are making the same corrupt charges as to the North Carolina elections. Where a minister, claiming to be a Democrat, says they voted whole sanatoriums without any of the inmates' knowledge, and that people dead for years had been voted without even the aid of a medium. There is no question that the charges fly thick and fast in North Carolina concerning corrupt elections and we should judge of what Mr. Jonas has had to say concerning them with these charges in mind.

Mr. Jonas expected an investigation of such charges but instead the Nye committee investigated expenditures as it had only the authority to do and found that $100,000 had been spent in a State of a hundred counties, which seemed to Mr. NYE "refreshing." I understand that the Nye committee subpœnaed a couple hundred witnesses; that 14 were examined, but they were only examined as to expenditures.

Mr. Jonas was thinking of the actual conditions and methods used in these elections and burst forth in condemnation of Senator NYE, which he now understands was unjust to Senator NYE, and he has, like a man, said so. Senator NYE is not complaining of anything said concerning him. He has accepted Mr. Jonas's apology and, I am given to understand, appreciates Mr. Jonas's misconception as to the whole affair. Mr. Jonas was only attempting to point out to the people of his State the miscarriage of justice and the unfairness of such elections.

If Senator NYE were complaining and objecting to Mr. Jonas's confirmation I would believe that there was sufficient base, but I can not understand, unless Senator NYE has assigned to Senator BAILEY his right of action, how Senator BAILEY can be here heard to complain of the things Mr. Jonas said connected with the Nye committee, which he himself only a short time before reiterated, though he did not connect them with the Nye committee, but did make disparaging statements concerning the Nye committee before it arrived in the State and previous to its actions and before he found that the report of the committee was it found things "refreshing" in North Carolina. In view of the conditions that Mr. Jonas knew existed, and not realizing that the Nye committee was speaking of expenditures only, can you see how Mr. Jonas might say that the Nye committee had been of great help to the Democrats, even more than money could pay for?

Mr. Jonas was fighting for principle and did not mean to attack anyone personally. That is the only fair way of looking at these published statements.

I realize, and agree with Senator WALSH, that one of these statements is undoubtedly libelous, but the right of action for that libel lies not with Senator BAILEY but with Senator NYE, and Senator NYE is making no complaint and, I understand, will vote for Mr. Jonas.

Mr. NYE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. SCHALL. I yield.

Mr. NYE. If the Senator will yield at that point I should like to say that I have no objection to any of the remarks he is offering except that I have not at any time stated that I had intended to vote for Mr. Jonas. I have persistently said that I would not under any circumstances make the present controversy a political one or a personal one.

Mr. SCHALL. Yes; that is the exact statement the Senator made to me some time ago, but I had heard indirectly he was going to vote for Mr. Jonas.

The other point held as material by the committee was Mr. Jonas's reference to the Pritchard-Bailey contest where it is claimed Mr. Jonas, when informed by a newspaper reporter of the filing of such a contest, said, "This is my first step in vindicating myself." Mr. Jonas claims that this was a statement made in confidence to the reporter and that he told the reporter that he did not want to be quoted. The reporter does not remember that Mr. Jonas so confined him.

Mr. Jonas was first nominated by the President for this office on the 9th of February, 1931. On account of there being so short a time to the following 4th of March, no action was taken upon the nomination. The President then gave Mr. Jonas an interim appointment which he is now serving. At the opening of this Congress, the President again sent his name in for this office. Senator BAILEY had not yet become Senator and certainly Mr. Jonas could not have known that Senator BAILEY would oppose him in the present session and therefore would not have participated in any contest.

Mr. Jonas explains that the expression was made only that he thought that the hearing of such a contest would show up the system that he had been fighting against, and again I reiterate that Mr. Jonas had only the principle in the matter at heart for which he was fighting, that it was nothing personal, either concerning Senator NYE or Senator BAILEY.

Mr. Jonas is the outstanding Republican of North Carolina; he is a member of the Republican National Committee, which office, if this nomination is confirmed, he informs me by letter, he intends to resign, and has sent in his resignation to the effect that if he is confirmed he is to be relieved of the office. If a Republican is to be appointed to this office, certainly no Republican in North Carolina is more entitled to that position than Mr. Jonas. If Mr. Jonas's confirmation is not had at the hands of the Senate to-day, it will work an injustice not only upon Mr. Jonas but upon every fearless, red-blooded, hard-fighting Republican in the State and on every man, be he Republican or Democrat, who earnestly and conscientiously attempts to bring such reforms in our election laws as will uphold and support the foundation upon which our Republic is built.

Shall we say that because a man dares to stand up and fight for what he believes to be right that he shall be punished? Shall we say that the most prominent Republican and lawyer in the State can not be confirmed to an office for which he is eminently qualified? That everyone, including the entire Judiciary Committee, agrees that he is eminently qualified to fill, can not be confirmed because of some discrepancy in newspaper gossip? I think the President has chosen the best Republican he could find in the State for that office, and he should be, and I hope he will be confirmed.

Mr. President, I have many letters bearing on this subject. I do not think I need to burden the RECORD with all of them, but there are some documents, editorials, and letters which I should like to have printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXHIBIT A

[The News and Observer, Raleigh, N. C., Thursday, August 12, 1926]

SAYS STATE ON LEVEL WITH PENNSYLVANIA AND ILLINOIS—J. W. BAILEY TELLS RALEIGH LIONS ELECTIONS JUST AS BAD IN NORTH CAROLINA—SIMPLY DO NOT HAVE TO SPEND AS MUCH MONEY—DECLARES AUSTRALIAN BALLOT AND VOTING MACHINES NECESSARY IN NORTH CAROLINA

Declaring that elections in North Carolina are just as corrupt as in Pennsylvania and Illinois, where recent scandals have shocked the entire country, JOSIAH W. BAILEY, prominent Raleigh lawyer and former candidate for governor, yesterday told the Raleigh Lions Club that this State not only has corrupt elections but holds its elections and primaries under the most backward laws in the entire country, except possibly South Carolina.

"We need the Australian ballot system—but even that is not proof against corruption," declared Mr. Bailey. "Pennsylvania has the Australian ballot, but you saw not long ago what happened up there; Illinois has it, and you read about the corruption in the recent primary in that State. Mr. Pinchot said he spent a quarter of a million in Pennsylvania, Mr. Pepper says he spent $800,000, and Mr. Vare says he spent a million. In Illinois we know they

spent from one to three millions. But this thing is denounced in our law. It is against the law to contribute to candidates without making a report of them; it is against the law to stuff ballot boxes; there are 20 criminal acts providing fines and even penitentiary sentences in our election laws. But the trouble is we don't pay any attention to them, just as they do in Pennsylvania, and we have just as much corruption here in North Carolina as they have. The trouble is with that genus homo, that species of voter to whom no amount of law means anything. The time has come when the power of money in politics is absolute. They spend millions in Pennsylvania and Illinois for an office that pays $10,000 a year and lasts but six years. They don't spend that much in North Carolina because they don't have to. But they do spend $250,000 in North Carolina, and if it becomes necessary to spend a million they will spend it.

"In Illinois, this man Insull, who has millions and millions and controls a dozen public utilities, frankly admitted that he contributed something to all of the parties in the contest. He gave George Brennan, the Democratic candidate $15,000, and George took it, because he said he needed it. He gave ten times as much to Smith, the Republican candidate. He did that because he wanted to be on the inside, no matter who won.

"We have got to get this in our minds—that a high spirit of citizenship is necessary for fairness in elections. I can take a high-spirited citizenship and handle an election without any laws; I can take a money-loving sorry citizenship and no amount of laws will prevent corruption.

"We need an ironclad Australian ballot law and voting machines in North Carolina. I may be a little cynical, but I wouldn't trust a politician. We have got to preach the gospel of manhood in politics. They spend money to swing elections right here in Wake County. They said I was in on this last election, but I was not; I kept clear of the whole thing. But no less than 10 men came to my office during that campaign and asked for money to be used in controlling the vote. These were not ordinary, sorry-looking fellows who came up asking for $100, and they can and do control the vote. And if one candidate does not come across with the money, they will go around and talk to the other candidate. So that's the situation right here in Raleigh and Wake County.

"I have one comment to make on this situation—it can not last. If it does last, we will go to the dogs.

"This is supposed to be a progressive State, but it is the most backward of all, excepting possibly South Carolina, in the means of assuring a fair and accurate count of ballots. I say that our election and primary laws are not framed for the assurance of a fair election but for the purpose of enabling fraud to be perpetrated and of concealing the perpetrators.

"Mr. BAILEY read section 5976 of the election laws governing the conduct of polling places, with the provision for privacy for the voters, etc., including the roping off of a walk way to the ballot boxes.

"Now, that's all very fine to read, but it has never happened in North Carolina. But this section has this provision: That nothing therein shall be construed as making it compulsory for the registrar and poll holders to rope off the walk way. Now, why was that proviso put in there? It was put in there by some smart politician. If it pays the dominant element in control of the precinct to rope off the walk way, it is roped off; if it doesn't pay to rope off the walk way, it isn't done. It's just a matter of which way they can get the most votes. That provision was put there in the interest of fraud and not in the interest of fairness.

"Now, let's talk about the canvassing of returns. The people know a little more about that now on account of some recent experiences, including the Evans and Brassfield case. I will say this in connection with that case—that the State board of elections didn't decide anything for anybody; it did nothing in regard to either law, rule, or reason. It just decided to do nothing. But the law says that county boards of canvassers have the power of judicial determination of the issues before it, which is the same power possessed by the courts. In other words, the county boards are empowered to reach a decision, and there is no appeal, and thus the matter is disposed of.

"But the judges of elections are men who owe their appointment to the dominant political machine or element. They have got to get the backing of the ruling powers to hold their offices, and when they do get it, they are hard to dislodge.

"But it is worse in the primary than it is in the election. This law says that the county board of canvassers shall have authority to tabulate the returns, and that's all. In other words, if the returns from a precinct are written clearly and there is no apparent inaccuracy in the tabulation of the vote, all the county board can do is to certify the figures. The county board can not even get access to the ballot boxes unless somebody comes forward and shows there was an inaccuracy in writing the returns.

"Take an instance back yonder in 1912, over in the second division of the first ward; it was at White's store. At that precinct they voted a setter dog. The dog with the ballot in his mouth, went up to the box and the ballot was placed in the box and counted. The man who did that made no bones about it; he regarded it as a great joke. There is no way to count the votes after they are cast and there is no power to go behind the registrar and poll holders to attack the dog's vote unless somebody shows an inaccuracy in making the returns. There is no way to attack the returns in a primary.

"Now, why was the primary law drawn up like that? It happened back yonder in 1913, when they were framing the primary law. The opposition forces saw they were going to be beaten, so they backed off and offered to compromise. They said they would withdraw their opposition provided this clause was inserted in the law; that the county board of canvassers shall have authority only to tabulate the returns. Which simply meant that the dominant political element could report the returns to suit themselves without challenge unless somebody showed an inaccuracy in the report. I am profoundly ashamed of this state of affairs; and nothing has been done since 1913 to remedy it. The election law we have was drawn in 1901 and nothing has been done since that time to remedy its defects.

"The election law at the time it was framed in 1901 had a simple unfortunate thing to justify it—the negro situation. I firmly believe that it is the policy of this State that its affairs should be dominated and run by the whites; and it ought to be that way. But we fell by the wayside in 1893, and the State went to the Republican Populists by about from 30,000 to 40,000 majority. But in 1898 we got back in the saddle, and in 1901 Aycock came in and the task of writing an election law that would prevent a similar situation in the future was undertaken. But although it is a good gun to have behind the door, the law now is not being used to keep out the negro but to keep the people in power who controlled the election machinery regardless of the strength of the opposition. This situation can not be remedied until the people rise and demand a test vote.

"We also have on the statute books the absentee voters' law. That law was put there in time of war, so that the soldiers who went to France could have an opportunity to vote. I think that was the right thing to do. But now the soldiers have come back, and the law stays on the books. Why? Because in any election or primary anybody with control over the registrars and poll holders can go to any precinct in the State and vote any number of votes he wants to. I believe it can be proved that cigarette coupons have been cast as ballots and counted under such circumstances. That ended it, for there was no way to attack the returns."

EXHIBIT B

[Presbyterian Standard, official organ of Synod of North Carolina for 71 years]

CAUSES OF CIVIC CRASH—THE INIQUITY OF RING RULE

Rev. R. F. Campbell, D. D.

The second thing responsible for our crash is the principle of ring rule. That is a principle of American politics, not only in Asheville but throughout the county; one of the principles of American politics, and the root of it, is the life of the ring. There are men who cast covetous eyes on public moneys. That is the beginning of the ring. Birds of a feather flock together. These men who have covetous eyes on public money are combined into a ring in order to carry out their purposes. The ring is very compact. The cement is the love of money.

We have had one in Asheville, as you know. They are men who are in the game for political power and political plunder. They want political power in order that they may get political plunder.

How do they go at it? They know that the custodians of the public funds are elected. Therefore they begin at the very beginning—with elections. They begin to corrupt the ballot. I am not telling any secret about the corruption of the ballot here in this county and in Asheville. It is well known.

Where does it begin? In the primaries. Why? Because under normal conditions there is a dominating party here. It is a foregone conclusion under normal conditions that its nominees are going to be elected. Therefore they center their efforts on the primaries. If they can get men nominated that they think they can handle, then they think they have accomplished their purposes. I do not mean that there always is a bargain between them, but they make their selection as to what men are to be nominated. I have evidence—sworn evidence of the corruption of the primaries.

For instance, we have an absentee law, whereby under certain restrictions people who are absent or physically unable to go to the polls are enabled to vote. This thing is abused and perverted in a shameful way. There have been people, I doubt not, who voted the absentee ballot who were absent from this planet, and it could not be known where they were. And no medium was present to communicate with them as to how they wanted their votes cast. These absentees did not vote; they were voted through corruption of the ballot by the ring.

Another thing I want to hit hard. I understand that under the laws of this State all the registrars are of the dominant party, whatever that party may be. Whenever a party is ashamed to let the other party know what it is doing in the matter of registrations, that party is rotten to the heart. It means that the dominant party would manipulate, if necessary, the registration books. Why this law? Because the dominant party keeps it for its own corrupt purposes.

That is the party to which I belong. I wish a number of you Democrats would come out and say you won't stand for this any longer; that no party can select registrars of its own party alone. Who is responsible? You Democrats, every one! You are responsible until it is repealed. You have the stain upon your own hands. Do not try to put it on somebody else. How many of you do it? How many of you refuse to stand for things you know are evil, the corruption of the ballot and the manipulation for this in party interests, largely under the control of the ring I have spoken of?

EXHIBIT C

[The News and Observer, Raleigh, N. C., Friday, January 30, 1931]

WOULD ABOLISH ABSENTEE BALLOTING IN BUNCOMBE

The house committee on elections yielded to the plea of Buncombe County yesterday for repeal of the absentee ballot law in so far as it affected the local elections of that county, voting unanimously to report favorably on the Howell-Reed bill, but not until after argument had waxed warm for an hour and a half and Representative Neal, of McDowell, had served notice that he regarded the procedure as dangerous precedent and would vote against any similar proposal for other counties.

No county is at present exempt under the state-wide absentee ballot act, and opposition in the committee was overridden only after representatives of Buncombe County had represented that the bill was fostered in dire necessity to meet a situation for which no other remedy was apparent.

The bill was properly only before the house committee, but it was heard in joint meeting in order that members of the senate committee might hear the Buncombe residents without the necessity of them returning for another meeting when the bill reached the senate.

Opponents of exempting any county from the state-wide measure brought out that a bill was now being prepared by Attorney General Brummitt that would tighten up the general statute, and the Buncombe delegation was asked if it would not be satisfactory for its measure to go over pending consideration of that bill, but they told the committee that nothing would save the situation in Buncombe.

Arguing against submitting the bill to a subcommittee, as moved by Representative Dosher, of New Hanover, Judge J. Frazier Glenn, member of the Citizens and Taxpayers League of Buncombe County, declared that immediate action was essential for relief of a state of "turmoil and strife," adding, "if we can pass this tomorrow, it will do more to reestablish ourselves than anything else.

"It is the opinion of 95 per cent of the people of Asheville that the absentee ballot is at the bottom of the present political and financial condition of Buncombe County," he said, in response to a question from Representative Neal, from the adjoining county of McDowell, as to why he considered it so urgent to repeal the law for Buncombe.

"It has permitted a political situation that is intolerable," he declared, brandishing petitions with thousands of names, and declaring that not a voice had been heard against the measure. He said that the petitions were signed by Republicans and Democrats, and that leaders in both parties were whole-heartedly for it.

"If you turn your back on us you'll lose Buncombe to the Democratic Party," he asserted, as Representative Neal again interrupted him to say that from his attendance upon the sinking-fund subcommittee he did not understand that all of Buncombe's troubles were due to the absentee ballot.

"It is all due to it," Judge Glenn retorted, "for without it we would have had other officers." He pointed to the increase in Buncombe's public debt from less than $8,000,000 to $50,000,000 in eight years, figures more or less familiar to the general public since the financial debacle brought on by the Central Bank & Trust Co. crash this winter.

Mrs. M. H. Harris, prominent Asheville business woman and property owner and member of the Asheville League of Women Voters' organization, minced no words in telling of abuses, stating that Asheville had many sanatoriums and that their patients had been voted regularly without their knowledge and persons dead five years were continuing to vote.

"In the name of the Lord don't let's defer it. Let us go back and tell the people of Buncombe County to take heart," she declared.

Judge Carl B. Hyatt, of the Buncombe Juvenile Court, pleaded for the measure as a matter of simple justice to voters who wanted to continue being "good Democrats."

Representative James Howell, sponsoring the bill, waxed frank about the political features of the measure, a subject treated as thin ice at first, but brought directly into the open as the argument progressed.

"If our banks had burst before the election, the Democratic Party would have been swept off the face of the earth in Buncombe," he said, pleading that it was his political funeral if the folks back home weren't for it, and asking deference of the committee to a great local emergency, despite their apparent disinclination to allow any county to get out of the state-wide law.

Representative Mark Reed indorsed the stand of his colleague, declaring that at best there was no need for the absentee ballot in Buncombe.

Mr. Howell brought out that the proposed measure had been published in Asheville papers and had brought no protest.

Judge Glenn admitted that the trouble had been in the primary and Mr. Neal wanted to know if it would not be sufficient to abolish the absentee voting for the primary only.

"That would be to turn the county over to the Republicans," Representative Howell declared.

Representative Butler, of Sampson, Republican, then submitted an amendment to also abolish absentee voting in Sampson, and Representative McBee, of Mitchell, the minority leader, spoke for the Buncombe measure as a matter of local justice. He said if he were playing politics he would lean the other way.

Mr. Butler redirected attention to his amendment, which was ruled out of order, and Mr. Neal found in the Republican move an illustration of political consequences he had been suggesting.

"You see already where the thing will lead," he snorted.

Mr. Butler quickly resumed his feet to deny that he was playing politics, but offered his amendment as a matter if principle. Previously he had spoken for the Buncombe bill.

Senator Bernard appeared for the bill, declaring it was necessary to restore confidence, and Representative McDevitt, of Madison, well known in western North Carolina Democratic politics, argued that the Buncombe delegation should have the bill if it wanted it.

Representative Howell stated that the bill had the indorsement of J. Ed. Swain, chairman of the county board of elections, and former Superior Court Judge T. L. Johnson.

The unanimously favorable vote followed withdrawal by Representative Dosher of his motion that it go to subcommittee.

The bill will be reported out this morning, and it is regarded that it will be the center of a hot battle on the floor unless some compromise is effected in the meanwhile.

EXHIBIT D

[Greensboro Daily News, Greensboro, N. C., Thursday, July 12, 1928, editorial]

NOTABLE PUBLIC SERVICE

Yesterday's dispatch from Lumberton reported that Judge Sinclair had ordered the Robeson County grand jury to investigate conditions surrounding the primaries of June 2 and June 30, and this statement follows: "The charge, which was the second of the term of the court, came on the morning after the appearance in the Lumberton Robesonian of the afternoon before of a summary of the charges that had been brought to its attention of corruption in the primary here June 30 to nominate a recorder for the Lumberton district."

A good deal has been said, first and last, about the Robeson primaries, but so far as noted here the reports have been vague. What the Robesonian reported "as charges freely made" and "brought to the attention of the Robesonian" is this:

That 10 more votes were cast in South Lumberton precinct than voters registered; that the same people in a number of instances voted in both North and South Lumberton precincts; that a citizen halted carloads of people in Britts No. 1, placing a marked ballot and a dollar bill in the lap of each voter; that conditions were just as bad in Britts No. 2, but work more cleverly handled; that the registrar in one township took a number of voters to one side for alleged purpose of influencing vote, and it is alleged that vote was different in some instances from what it would have been had voters not been interfered with; that some county officials, after nomination, took active part in campaign; that when it became known that money had been placed in one town by partisans of one candidate, it was doubled by the other side; that a frightened boy came to Lumberton and asked what was going to be done with him, that he had been forced to vote in Britts No. 1, and was between 16 and 17 years old; accompanied by another youth, who appeared to be related, who said he was under age and was forced to vote in South Lumberton; that two girls and a boy, the oldest not over 19, were forced to vote in one township.

It is further related that between 2 and 3 o'clock in the morning the residence of one J. B. Humphrey, in Saddle Tree Township, was destroyed by fire; that the fire had started on the outside, in front where no fire had been in four weeks, and several hours after a heavy rain; that on the morning before the second primary, Humphrey, who was known to be a supporter of Recorder Kornegay (one of the candidates), found on his front porch a note reading as follows: "J. B. H. vote for Ivey or you'll wish you had"; and underneath was a neatly drawn bullet. Incidentally, 11 persons were sleeping in the residence. Many persons seem to think the fire was incendiary.

In the face of information of this nature, it is difficult to see how Judge Sinclair could have done otherwise than order the grand jury to investigate. But none the less, it is satisfying to know that a judge of his vigor was present to act so promptly.

The Daily News has no information as to the accuracy of the charges and naturally does not prejudge them. But the act of the Lumberton Robesonian in bringing them sharply to public attention and virtually forcing a grand-jury investigation is a notable example of public service. For the rest, Robeson and the remainder of the State will have to await the report of the grand jury.

EXHIBIT E

[Greensboro Daily News, Greensboro, N. C.]

ELECTION LAWS COMMITTEE IS TOLD OF BUNCOMBE FRAUDS

Buncombe County's revolution, which hit several eminent citizens of the mountain metropolis and environs in November, reached Raleigh this afternoon and gave Senator Carlisle Higgins and his election laws committee a grand demonstration, the best of the session, on the Leavitt and Young proposal to repeal the absentee voters' act as it applied to Buncombe.

The revolutionists brought down Democrats mainly. True, they may not have been Democratic in November—nobody seemed to be. But they are has-been Jeffersonians. They came as witnesses to the multifarious rascality of elections in Buncombe. They appeared to be very much in earnest about this bill to repeal the absentee voters' act.

BIG GUNS THERE

The revolutionists brought Jack Westall, big lumberman; G. D. Carter, president of the Bank of West Asheville; Clarence Blackstock, lawyer; Percy Carter, lawyer; Junius G. Adams, Frazier

Glenn, W. H. Hipps, and George Craig, all lawyers; and Thomas Waddey Raoul. Nearly all of these citizens have been prominent in Democratic politics. Some of the visitors were Republicans, but most of them were "antiring" Democrats. The rough element was not represented to-day. The Taxpayers' League came along and some of the speakers to-day were representatives of that very potent band of protestants.

MR. WESTALL TELLS A GREAT DEAL

Mr. Westall, being a big business man, took the trouble to know most about which he was talking. He brought a pile of records and gave the contents to the committee. He told the committee that a detailed study had not been possible since the election of 1928. But he had some facts which must have been surprising to the committee. "Extreme methods were used" in several instances, he said; but always the absentee ballot got into the box. Sometimes an elector went up in person and voted in the regular way, only to find out that he had been voted in another precinct as an absentee. In some instances, he said, persons were voted in person in one precinct, then absentee in the same polling place.

"Cases were found where two absentee ballots were presented for the same person in the same precinct, one having been made up in Asheville and the other at some distant point," said Mr. Westall. "There are instances wherein mistakes were made in taking names from the registration books, but these names were voted as absentees nevertheless."

Mr. Westall told the committee that in some of the precincts large numbers of absentee ballots were destroyed after insistent objection had been made to their being voted. There were in the first precinct in Asheville about 125 of these absentee ballots which were not voted, he said, but taken out and destroyed. Thirty ballots in one precinct and about seventy in another were thrown out by the registrar. Inspection showed that many of the absentee certificates were signed by one and the same person, he said. The clumsy fabricator took no pains to disguise his foolish fraud.

FRAUD UPON THE WOMEN

He told how Miss Bonnie Franks, a school-teacher, was voted as an absentee, with Grady Turner as witness. She voted ballot 231 and did not authorize anybody to get her absentee ballot. Grady Turner is a fictitious name. R. L. Melton, former resident of Asheville, now living in Detroit, Mich., was voted twice in the precinct which was making Miss Franks so energetic. Melton was on the poll books as number 393 and 580. Both witnesses, C. F. Flemming and Robert Bridges, are unknown.

Mr. Westall gave one after another of these alleged frauds. They were backed up by affidavits, of which Mr. Westall appeared to have half a ton. The visitor gave witnesses and called names with great volubility. The Buncombe folks are merely asking to get repeal for themselves. Their bill applies only to their county.

[From the Greensboro Daily News, Greensboro, N. C., January 23, 1932]

PIDDLING BUSINESS

Not one gray hair in this devoted head was caused by anxiety over the confirmation of Charles A. Jonas or any other Republican—or Democrat—as district attorney or anything else in the gift of the Federal Government. One of the easiest things we have ever done was to take or leave the objects of political patronage. And yet we are, and have been since the inception of the argument, decidedly of the opinion that Senators BAILEY and MORRISON were far better occupied with something vastly different from opposing the ratification by the Senate of Mr. Jonas.

We are willing to accept as true the statement that Mr. Jonas has said some nasty things about Democrats in North Carolina and their manner of conducting elections. It is altogether likely that he can not begin to prove some of his charges. But what of it?

When did it become a cardinal political sin for a Republican—or Democrat—in these parts to overspeak himself? Is Mr. Jonas not capable? Is he a poor citizen, an undesirable neighbor? Does he pay his debts, confine his chickens to his premises, and keep his nose clean?

There are many Democrats in North Carolina who ought to be talked about, and sometimes we think it would do the party as a whole good to have things said about and to it. We doubt seriously if Mr. Jonas has said anything harsher about the election manners of Mr. BAILEY and his friends than Mr. BAILEY has said—and might be in a better position to prove—concerning some of those who used to subdue the opposition to the Democratic machine in North Carolina.

This immediate section of the State owes Mr. Jonas nothing in particular and we can not at this moment recall a personal obligation; but there are lots of things around Washington that a man of Mr. BAILEY's size and attainments might turn his hand to before he expends any of his energy in attempting to build a fire under the devil of partisanship.

[From the Greensboro Daily News, Greensboro, N. C., March 2, 1932]

PUNISHING MR. JONAS

While the nomination of Charles A. Jonas to be prosecutor of the Federal court docket for the western district of North Carolina is yet to be acted upon by the Senate, the adverse report voted by that body's Judiciary Committee dims quite perceptibly Mr. Jonas's chances for celebration over formal acquisition of the new job to which he was accorded a recess appointment by the President.

With full allowance for the former House Member's injudicious and excessive loquacity, this household publication fails to see how the persistent opposition of Democratic Senators will add anything to the record or the sportsmanship, as if there were any such quality in politics, of their party. A Senator, with all the problems which are crying for attention and the opportunities for State and National service which now press upon him, could patently put his time, energy, and attention to far more useful purpose than diverting even a small portion of it to the more or less picayunish business of getting his man, particularly when the object of his attack is no more than one among hundreds of district attorneys who draw subsistence from the Federal pay roll.

As to Mr. Jonas's unfitness for the position to which he was appointed, nothing has been said so far as has been noted in these parts. The appointee merely talked too much, a generally common fault, it must be admitted by his unfriends. Even so, it was not how much but what the prospective district attorney said. In his partisan zeal—or was it his enthusiasm for reform?—he made the mistake of casting reflection, real or fancied, upon North Carolina's election system and more particularly upon the Nye investigation committee for its designation as "refreshing" that which he conceived to be far therefrom; and for that reason he becomes "personally objectionable and obnoxious." For this criticism he must be punished.

Acceptance of the procedure as part of the political game does not, however, preclude wonderment as to how many office-holders would remain on the public pay roll were they held strictly accountable for all the statements which they made in their campaign utterances and partisan attacks.

[From the Greensboro Daily News, Greensboro, N. C., February 5, 1932]

JONAS INJUDICIAL

Senator JOSIAH W. BAILEY, it would seem, is determined to balk Charles A. Jonas's confirmation as United States district attorney.

The Daily News, which has referred to this matter aforetime and expressed the hope that Mr. BAILEY would find some greater emprise with which to occupy his senatorial time, is inclined to let it drop. Nobody is better suited to the purpose of taking or leaving Federal appointees rewarded for service to either of the parties than is this household journal. We might even go so far as to accept Mr. BAILEY's charge of "temperament" as partially proven and a little admitted by Mr. Jonas, who has evidenced a slight willingness to hedge.

And yet so constrained are we to the belief that it is not the under dog which should always be called upon to present the olive branch that we wish Mr. BAILEY would forget it all. Especially is this desire keen with relation to the Senator's insistence that Mr. Jonas has reflected upon the State judiciary.

Personally we might feel inclined to yield to none in our admiration and respect of judges of inferior, superior, and supreme courts of this State and then with divers and sundry members of Mr. Jonas's party wonder how they got that way. If there is any branch of the government of North Carolina which a Republican has some cause to resent in its constitution and selection it is our boasted nonpartisan judiciary.

Nonpartisan because there is no chance for it to be bipartisan, as all hands insist the national judiciary must be! Five members of the supreme court—count 'em—five! Twenty of the superior court, with five or six spares, county and recorder court judges too tedious and numerous to mention, and not one Republican in the lot! How many justices of the peace or even notaries public vote the minority ticket in North Carolina?

The only argument which to our notion might serve to justify such a monopoly of the administration of justice would be the fact that the Democratic Party in this State furnishes all the court business.

And it does seem a little hard to blame Mr. Jonas for an occasional lapse into the injudicial when he has had such limited advantages.

[From the Charlotte Observer, Charlotte, N. C., July 15, 1931]

JONAS'S CONFIRMATION

Charles A. Jonas holds the office of district attorney by virtue of a "recess" appointment by President Hoover, which means that his nomination must be confirmed at the next session of the Senate. The Observer can see no reason for objection to the Jonas appointment except on the single ground that he once defeated a Democratic candidate for the House. Objection on that ground would reduce the matter to a low scale of partisan politics, and of a kind it would not be profitable for the Democrats to engage in. Furthermore, it must be Jonas or some other Republican. No Democrat may hope to get the office held by Jonas, and, that being the case, Jonas should be indorsed for his record or "a better Republican" picked to succeed him. Then would come the difficulty of finding a Republican better qualified for the duties of district attorney than Jonas—and the Observer does not believe that can be done. Confirmation of the Jonas appointment is a circumstance of strong appeal to the people of the district he represented in his one term at Washington, for he proved resourceful of results, particularly for Charlotte. It is of record also that Jonas developed the broad mind, serving his district as a whole

wherever he found opportunity to serve, with no partiality being of manifestation.

The spirit of appreciation, rather than the spirit of partisanry, should obtain in the case of confirmation of the Jonas appointment. If it were a matter of Democratic opportunity, the Observer would contend for the Democrat, but there is no such opportunity involved. It is Jonas or some other Republican, and the Observer would want to see a good man, a capable lawyer, and a friend of the people of the district he represented rewarded. We believe the Democrats, as well as the Republicans of this district, would be glad to see Jonas confirmed and without political quibble.

This is another long-distance discussion in connection with candidates for the Senate and State offices, and might well be deferred until the time for action comes nearer, but in some way some folks appear to have come to believe that there is proposition on foot to oppose confirmation of the Jonas appointment, this belief probably being founded on the circumstance that Mr. Jonas has stated that in case his cause is turned down by the Senate, he would not accept another appointment at the hands of the President, in that event opening the way for successorship scramble among his party associates, with one contingent entry already in the field. Republican expectation is that both Senator MORRISON and Senator BAILEY will be inclined to oppose the Jonas nomination, but upon what ground belief of that kind is founded is not known. Neither Democratic Senator could oppose Jonas on the ground that he is not capable of prosecuting the duties of district attorney with ability, for his qualifications are beyond dispute, and they could oppose him only for partisan reasons, based, partly at least, as we have stated, on the political circumstance that he defeated a Democratic candidate, and furthermore, they could hope to see him succeeded only by a Republican. Because of facts of this kind, and because of Jonas's record for having done things of benefit to the people of his district, the Observer is disposed to discount any rumors that active opposition to the confirmation is in the brewing on part of the North Carolina Senators. And further, we have a feeling that December events will prove that this discount was well placed.

This is said in the light of our established belief that neither MORRISON nor BAILEY would oppose confirmation of Jonas for the mere satisfaction it would give in forcing the President to make a new nomination.

THE CHAPEL HILL WEEKLY,
Chapel Hill, N. C., March 20, 1932.

Hon. THOMAS D. SCHALL,
United States Senate, Washington, D. C.

DEAR SIR: I read in the paper this morning that you were in favor of the confirmation of Charles A. Jonas.

You are exactly right.

I am not of Mr. Jonas's political party, but I believe he is well qualified for the post to which the President appointed him. A great many North Carolinians who are Democrats feel the same way about it.

The opposition to him of the two Senators from this State is, I feel sure, not representative of the best opinion in North Carolina. They have simply let their judgment be clouded—in my opinion—by partisan rancor.

I am well acquainted with Senator BAILEY and have a high regard for him, but I believe he is badly "off the track" in this matter.

This letter is not confidential. You can show it to whomever you please.

I used to know Mr. Jonas but have not seen him or heard from him in several years, and he knows nothing of my writing this letter.

Yours truly, LOUIS GRAVES.

(Inclosed is an editorial from my paper on this subject.)

[From the Chapel Hill (N. C.) Weekly, March 18, 1932]

THE FITNESS OF JONAS

A dispatch from Washington a few days ago contained this passage:

"Senator BORAH adheres to the view that if all the accusations against Jonas are true, they do not give rise to any question concerning his fitness to serve as a prosecuting officer."

BORAH is right.

Jonas is a vigorous partisan, and at times, in the manner of partisans, he is apt to indulge in rather extravagant talk about the virtues of his own gang and the sins of his opponents. A year or so ago he gave the Democrats of North Carolina a furious tongue-lashing. He said that they did not conduct elections fairly, and he intimated that anybody who went into a North Carolina court with a charge against Democratic election officials had little chance of winning his case. Furthermore, he cast aspersions upon the United States Senate investigation committee headed by NYE. All of which was very indiscreet for a man whose appointment to office was coming before the Senate for confirmation.

Jonas's allegations against the Democrats aroused the ire of Senator BAILEY and BAILEY presented to the Judiciary Committee a long statement opposing confirmation. Finally he said that Jonas was personally obnoxious to him. Whereupon a majority of the committee voted against confirmation.

Jonas would have been wiser if he had controlled his tongue; but, as a matter of fact, what he said about the conduct of elections by Democrats in North Carolina was largely true—just as the same thing is true of Republicans in States where Republicans are in control of the machinery. Of course, BAILEY's own election was not the result of fraud; he won by far too great a majority to justify any assumption of fraud. But for a generation or more there has been abundant—superabundant—crookedness in the conduct of elections in North Carolina, and every North Carolinian above the grade of a simpleton is aware of it.

But, as BORAH says, this has nothing to do with Jonas's fitness for the job of United States prosecuting attorney in western North Carolina. If he is well qualified for the job—and thus far nobody has given any convincing evidence to the contrary—he ought to be confirmed. We hope he will be.

CHARLOTTE, N. C., *March 5, 1932.*

Senator SCHALL,
United States Senate, Washington, D. C.

DEAR SENATOR SCHALL: I notice you have filed a minority report on Jonas's confirmation.

I am disgusted with politics. No sensible reason has or can be given why Jonas should not be confirmed. That he is competent and highly capable, that he is a man of most excellent character, will be admitted by everybody who knows him. Why then should he not be confirmed? Have we reached a point when men of ability and character can not be confirmed by the Senate? If Jonas is summarily kicked out, I want to say with much emphasis that it will be no reflection on him.

I might add that I am 61 years of age. I am a lifelong Democrat. Jonas doesn't know I am writing this letter.

Yours truly,

PLUMMER STEWART.

WILMINGTON, N. C., *March 2, 1932.*

Hon. THOMAS D. SCHALL,
United States Senate, Washington, D. C.

DEAR SIR: The writer takes this privilege of writing you to express the thanks of the people of the State of North Carolina for the splendid manner in which you handled the case of the nomination of the Hon. Charles A. Jonas to be United States district attorney for the western district of this State.

As you are aware, there is no criticism as to the ability, integrity, and qualifications of Mr. Jonas, but rather some statements attributed to him during the heat of political battle. Mr. Jonas is at this time Republican national committeeman from this State and has served one term in Congress to the credit of North Carolina.

The good people down here feel that this man should not be sacrified just to satisfy the spleen of Senator BAILEY, who has in times past, when unsuccessful, just as strongly condemned the Democratic machine in the State, and whose seat in the Senate is now being contested for alleged irregularities at election time.

Your legion of friends in this State appreciate your efforts and admire your sense of fair play.

Yours very truly,

V. W. FAGG.

HICKORY, N. C., *March 4, 1932.*

Senator SCHALL.

DEAR SIR: The matter of Hon. C. A. Jonas just came down to this—why should you crucify one of your own members for what you would probably have done yourself if you had been in his place? Mr. Jonas may have been a little indiscreet in the use of words—who is not, under wrath of righteous indignation?

Mr. Jonas just vigorously exposed a fraud Senator BAILEY, in a public statement, claimed he could commit!

Are you willing to keep your party down in this State forever by approving the absentee ballot law as it exists here?

Suppose the Democrats in New York State had control of the legislative branches of the State as well as the governor. Would all that corruption in New York City ever been exposed? Now, your party has a chance to get ahead in this State under fair elections. Are you going to crush those chances by sacrificing one of your strongest leaders for a little indiscretion of words?

The last Republican administration couldn't be so bad in this State if Senator BAILEY lent his aid and influence to it by serving under it, could it?

I am a Democrat; voted the straight Democratic ticket over 50 years, but I am of the type of BORAH; I am in favor of honest elections no matter which party it helps!

Yours for good government,

C. G. WHITING.

Mr. MORRISON obtained the floor.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. MORRISON. I yield.

Mr. WALSH of Montana. I feel that the presentation of the case would not be complete without an answer from the record to the question asked me by the Senator from Georgia, and if the Senator from North Carolina yield, I should like to read what is said with respect to the matter.

The VICE PRESIDENT. Does the Senator from North Carolina yield for that purpose?

Mr. MORRISON. I yield with pleasure.

Mr. WALSH of Montana. Mr. President, the attention of Mr. Jonas was called to the article published by Mr. Bryant, giving what Jonas had said when he was asked what was meant by the Pritchard contest, and he had said that that was the first answer he had to make to the attacks made on him by Senator MORRISON. Mr. Bryant writes about it in the News and Observer of March 8, 1931, as follows:

Mr. Jonas added:

"Immediately after the adjournment of the Senate, H. E. C. Bryant, correspondent of the Raleigh News and Observer, called me over the telephone and asked the significance of the Pritchard contest. I replied that it would serve as one answer to MORRISON's so-called charges against me, in that it will give a limited opportunity for the people of North Carolina to learn whether there have been wholesale frauds committed in our elections, as I believe, or whether the elections have been fair and honest, as contended by Senator MORRISON. But I warned Mr. Bryant that this statement was not for publication, and he promised me he would not publish it, because I told him I intended to give out a statement in a day or two covering the entire subject. His statement that I said the Pritchard contest was a part of my answer to Senator MORRISON was unjustified by any remark made by me to him. It was distinctly understood that what I said to him was not a part of an interview, nor given to him for publication."

Now, Mr. Bryant continues:

Mr. Jonas is in error as to my understanding about my talk with him. I asked him if he would have a statement to give out that day, and he said he would not. He volunteered the suggestion about the Pritchard contest, and I did not break any pledge to him by using it. Mr. Jonas has been frank in his conversations with me, and I had no idea he did not want the few sentences he uttered to be published. I am sure I did not misunderstand him.

Mr. Jonas was interrogated about that, and his answers in relation to the matter will be found at page 12 of the record, from which I read as follows:

Mr. JONAS. Mr. Bryant called me on the telephone, and I went to the cloak room, and he asked me if I had a statement to give out with reference to the Pritchard contest. That is as I recall. I told him I did not, but I also told him I would have a statement with reference to the matter. I think Mr. Bryant asked me what was the connection between the Pritchard contest and the failure of my confirmation. That is as well as I remember it. I do not pretend to remember just what was said, but I know I told Bryant I had no statement to go out. Something was said about the connection between the two, and he reports that I said that it was a part of my answer to the charges against my confirmation. I never said it was any part of my answer. I may have said—he may have said or I may have said—that it would be considered or might be construed or it would serve as an answer to the charges made against me, and whatever I said, Mr. Bryant says, he did not understand that it was not for publication, but I certainly told him I had no statement for publication, but I do not know whether he understood that or not. There is no controversy between him and me. Whatever he says I said I will agree to. I have no definite recollection about it, except that whatever I may have said, I did not mean to infer or leave the impression that there was any connection whatsoever between my failure of confirmation and the Pritchard contest.

If the Senator from North Carolina will indulge me just a little farther, I feel that I ought to supplement what has been said by a reference to the record in justification of what I have told the Senate, namely, that Mr. Jonas does not even contend that there were any expenditures either corruptly made or in any excessive amount in the State of North Carolina that would call for any investigation by the Nye committee. I read from pages 3, 4, and 5 of his testimony, as follows:

The CHAIRMAN. Could you tell us, Mr. Jonas, in what respect the revised draft differed from the draft which appears to have been published?

Mr. JONAS. Senator, the revised draft that I prepared simply left out all the personal references, practically left out the first two paragraphs of the article. If you will read that article, you will note, Senator, that the first two paragraphs have no direct connection with the other parts of the article, and I was not interested in that part of it, but, as I say, the entire data had been prepared over a period of time, and it is not all in that issue of the paper. The issue of the 14th continued the statement. It is quite a long statement about election conditions in North Carolina.

The CHAIRMAN. Just let us see. I read:

"Representatives of the Nye committee continue to assemble evidence of the alleged frauds in the 1930 primary and general election in North Carolina."

This purports to be your statement.

Mr. JONAS. Yes, sir.

The CHAIRMAN (reading):

"What the committee will finally do about the North Carolina situation no one seems to know. I have never met or spoken to Senator NYE, or any other member of the committee, in my life. I have never believed Senator NYE intends to seriously investigate the North Carolina case, if he can help it."

Mr. JONAS. May I explain that?

The CHAIRMAN. Yes.

Mr. JONAS. What I meant by that is this: So far as the reports showed—that is, the reports in the North Carolina newspapers—Senator NYE was under the impression that the charge in North Carolina related to excessive expenditure of campaign funds, and that he never, so far as the newspaper reports went—Senator NYE had never seemed to have understood that in our State the charge with reference to elections did not relate to excessive campaign expenditures.

The CHAIRMAN. Did you not understand, Mr. Jonas, that that was what he was called upon to investigate?

Mr. JONAS. I did not; no, sir.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from North Carolina?

Mr. WALSH of Montana. I yield.

Mr. BAILEY. May I call the Senator's attention to the fact that whereas Mr. Jonas, at that point in his statement, stated that he did not know, within five minutes thereafter he said twice that he did know?

Mr. WALSH of Montana. I was about to read that. I continue the quotation from the record:

The CHAIRMAN. Did you not understand, Mr. Jonas, that that was what he was called upon to investigate?

Mr. JONAS. I did not; no, sir.

The CHAIRMAN. Well, the resolution would have advised you about that.

Mr. JONAS. Well, of course, you know, Senator——

The CHAIRMAN (interposing). He was called upon simply to investigate campaign expenditures?

Mr. JONAS. Yes, sir.

The CHAIRMAN. That is all.

Mr. JONAS. And that is where I was laboring under a misapprehension. That is what I did not know.

The CHAIRMAN. You say:

"I have never believed Senator NYE intends to seriously investigate the North Carolina case if he can help it. If the Democrats did not pay him to come to the State, and without any serious effort to secure evidence, give out a statement that the situation in the State is refreshing, then they at least owe him a debt of gratitude."

Did you understand that Senator NYE came to your State for the purpose of investigating frauds in the election in your State outside of campaign expenditures?

Mr. JONAS. Yes, sir.

The CHAIRMAN. How did you get that impression, Mr. Jonas?

Mr. JONAS. I got it from all the newspapers of the State, and from all the information that ever I had with reference to frauds in the State. I never had any information——

The CHAIRMAN (interposing). This is the third time an investigation was carried on. There was the Senator Reed investigation, the Senator Steiwer investigation, and this investigation?

Mr. JONAS. Yes.

The CHAIRMAN. That was in 1926, 1928, and 1930. The investigations involved the Vare and Pepper expenditures in Pennsylvania. They involved the expenditures in the Smith case in Illinois. Farther back, they involved the Senators in the State of Michigan. You were in the House at that time, were you not?

Mr. JONAS. Yes. sir.

The CHAIRMAN. Well, how could you fail to know that it was campaign expenditures that were being investigated by the Nye committee, Mr. Jonas?

Mr. JONAS. As I said to you, Senator, the situation in North Carolina was different from what it was in Pennsylvania, and I never knew that there were any charges, so far as North Carolina was concerned, with reference to the expenditures of large sums of money, but all the charges that ever I heard with reference to the North Carolina conditions——

The CHAIRMAN (interposing). If you had not heard anything at all about corrupt expenditures of the money in North Carolina, what you did hear was as to frauds of an entirely different character?

Mr. JONAS. That is correct.

Now, I want to make a further statement. Attention has been called by the Senator from Minnesota [Mr. SCHALL] to a speech made by the junior Senator from North Carolina [Mr. BAILEY] in 1926, in which he assailed with some vigor the election laws of the State of North Carolina. That is called to our attention by Mr. Jonas as a justification for his assailing the laws of North Carolina in his letter.

Of course, whether the laws of North Carolina in relation to elections were subject to attack by Senator BAILEY in 1926, or by Mr. Jonas in 1930, is entirely beside the ques-

tion. Nobody is complaining about Mr. BAILEY because of his attack on the election laws of North Carolina. The complaint is about these matters to which I have called attention—the attack upon Senator NYE and his committee, and upon the Senate of the United States, and his statement, in effect, that the Pritchard contest was introduced here for the purpose of influencing the confirmation of his nomination. Those are the two charges; but the fact about the matter is that Senator BAILEY did make a vigorous speech attacking the North Carolina election laws in 1926, and was elected to the legislature, and had the laws amended and perfected as he, Senator BAILEY, thought they ought to be. Mr. Jonas, however, did not like the laws the enactment of which Senator BAILEY procured, and he proceeded to attack them in that form in 1930. We were left with the impression, however, until we were corrected about the matter, that Senator BAILEY had been attacking the laws in exactly the same way as they were assailed by Mr. Jonas.

Mr. BAILEY. Mr. President, the question here is not a question of liberty of speech, as was suggested just now by the Senator from Minnesota [Mr. SCHALL]. If it were a question of liberty of speech, I question whether any Senator here would go farther in the interest of that liberty than I would go. But the question here is whether the utterances of Mr. Jonas tend to sustain the objections which have been filed against his confirmation, tend to sustain the report made by the committee, and tend to disqualify him for the office of United States attorney.

I am going to be very brief. I am going to discuss, first, the newspaper utterance of January 13, 1930. Under what circumstance was that utterance made? It was in writing. It is printed in quotations in the Greensboro News. It utters what is conceded here to be a libel upon a committee of the United States Senate.

Say what you may in the interest of freedom of speech, no one will say that we have freedom to utter libels. I think that meets just the point of the eloquent sentences of the Senator from Minnesota.

Again, Mr. Jonas, in this article, attacks the courts of the Commonwealth of North Carolina, and, so far as I am concerned, that is the gravamen of his offense. I do not hesitate to say that if he had attacked me personally I would not have filed objections to him on that account. If he had reflected upon me in a political campaign, I would have taken it as in the ordinary course of politics. If he had very greatly offended me personally, I can not conceive that I would be willing, and I do not think in the term that I shall serve here I shall ever be willing, to use the high privilege that is vested in a matter of this sort by way of venting anything that is personal or anything that is political. I hope the years which are to follow will justify the statement I have made.

When Mr. Jonas, however, publishes to the world that justice can not be had in the courts of the Commonwealth which I represent here with my distinguished colleague, that is personally obnoxious to me; I resent it, I abhor it, and it moves me to throw everything I have in the way of personal resentment against the exaltation of the man who will deliberately utter words tending to bring obloquy and disgrace upon the courts of the Commonwealth of North Carolina.

That is plain language. But I say here the most precious possession of my Commonwealth is the honor of its courts and the confidence of its people in the administration of justice there.

Was the accusation of Mr. Jonas wanton? His own statement to the committee admits that he had no evidence and that he knew of no dereliction of duty.

The next statement was uttered with respect to the State of North Carolina to a committee of the Senate of the United States and with respect to a group of Senators, using language which I will not repeat here, and the innuendo is inserted as to the likelihood or the suggestion of corruption of a committee of the Senate, without the slightest provocation. What was the alleged provocation? What had been going on in the month of January, 1931, to induce Mr. Jonas to publish this statement?

The Nye committee had visited the State of North Carolina in October. It had made no report, and if it had made no report, what is the justification for suggesting that it had been bought, or ought to have been bought? What is the justification for the statement that it had entered into a whitewashing proceeding? What was the provocation? I can not imagine. But I assert that the use of that language, without provocation, ought to convince every Senator that the man who used it is unfit to occupy the high office of United States attorney in any district in any State. It was wanton, it was uncalled for, it was unjustified, and Mr. Jonas himself does not at any point in his defense undertake to justify it.

He says that he undertook to recall it. I would like to be able to take at face value the utterance of every man who speaks to me and of every witness who takes the stand; but when Mr. Jonas tells me that he undertook to withdraw that statement, and I know that he was a Member of Congress at the time, and that he could have sent a wire to Greensboro in three minutes, or could have called up the editor of that paper in 30 seconds by the long-distance phone and have requested the editor not to print it—when he tells me that he tried to recall it, but does not say that he sent a wire or a phone message, I am tempted to pass by his statement with a contemptuous silence; and it is very kindly to treat it in that way, and that is the kindliest way in which one can treat it.

Let us go farther. Mr. Jonas came voluntarily before the subcommittee of the Committee on the Judiciary of the Senate. He made his statement, and the statement is in the record, and I wish Senators here to test the statement and to test the mental and moral constitution of the man, and his fitness for the position, on the statement he makes in extenuation and in defense of the newspaper article complained of. I will stake the case upon the statement of Mr. Jonas in his own defense.

On page 4, responding to the matter of the limitations upon the Nye committee, when the Senator from Montana had called attention to the fact that the committee had the right only to investigate expenditures, he declared, "That is what I did not know." He said he was laboring under a misapprehension. The minority of the committee has founded its report in his favor upon this alleged misapprehension. But when the Senator from Montana read to Mr. Jonas a newspaper statement by Mr. Jonas which indicated that Mr. Jonas did know of this limitation, Mr. Jonas, as appears on page 7, said, "Well, I knew."

Remember, his defense was, "I did not know." But when the evidence was presented to him that he must have known, he admitted that he did know.

On page 11 he again reiterated, "Yes; I knew." I leave that just where it is. He either told the truth when he said he did not know, or he told the truth when he said he did know, but he could not have told the truth both times.

Again, on page 6, this gentleman, who, at the time, was a Member of the Congress of the United States, presumed to be intelligent, when his attention was called to this use of a string of adjectives, with an epithet which I do not care to repeat, said he would swear he did not know the application of that epithet, that he would swear he did not know it had ever been applied to any particular group of Senators of the United States. If so, he is the only human being on earth over 10 years of age who knew of that expression and did not know of the circumstances of its use and its application. Yet he offered to take an oath that he knew nothing about it.

Then, on page 5, he stated that he told the representative of the Nye committee that he had no data on the subject of fraud or subjects of investigation by the Nye committee in North Carolina. "I told him I had no data."

On page 17 he said, "I have a cabinet full of evidence." I can not reconcile those two statements.

Again, on page 9—and this is another Jonas statement—he said, "I do not know of an indecent one [official] in the

whole State," and so forth. Yet on page 8 he said that if the solicitors of the courts in North Carolina, there being 18 of them, would do their duty, they would wake the dead.

The next point: On page 4 he said he never believed Senator NYE intended seriously to investigate.

On page 18 he said:

Never was there a plainer case of an attempt to whitewash.

On page 18 he said:

As an investigation * * * it was painful, pitiful, and puerile.

On page 18:

He is a fiend for publicity.

On page 9:

I never charged the Nye committee with any dereliction of duty there.

The only thing we can make out of that—well, I leave it to the Senate.

Is a man who would contradict himself that way, who would use language that is grossly insulting, and who then will come and say, "I never meant to charge the Nye committee with any dereliction of duty," after he had said, "There never was a plainer case of an attempt to whitewash" and suggested that we ought to have paid him if we did not pay him, and then say he meant nothing insulting, fit to hold this high office? I shall argue that as an indication that he did not have enough intelligence to be a district attorney and that he did not give the Senate committee credit for having enough intelligence to understand a plain contradiction.

I deny that I have ever in word, in thought, or words meant to question the integrity of the Nye committee.

In the name of our mother tongue and our capacity to understand our mother tongue, what did he mean?

I have said it was never in my mind.

On page 5 he said:

Mr. Ward talked to me.

Mr. Ward was one of the attachés of the Nye committee. On the same page he said:

No representative of the Nye committee ever talked to me.

I submit the committee will never know whether any representative of it did or did not talk to Mr. Jonas—not from Mr. Jonas—because of the fact that on the same page he states it in two different ways.

As to the Pritchard contest, here are his statements. The first statement he made is this:

This is the first part of my answer to attacks by Senator MORRISON.

The singular commentary there is that there had been no attack by my colleague [Mr. MORRISON], who had merely filed a newspaper statement and had entered his objection. So his statement of his motives falls to the ground.

His second statement was:

I said it was part of my answer.

His third statement was this:

I said it would serve as one answer.

His fourth statement was this:

I said part of my answer.

His fifth statement was this:

Whatever Mr. Bryant says I said, I said.

His sixth statement:

Mr. Bryant's statement that the Pritchard contest was part of my answer was unjustified.

I am citing these matters as going to show the mental and moral characteristics of the man whose nomination is before the Senate.

Mr. President, in conclusion may I say that it is not an agreeable thing for me to stand in the way of anybody's promotion or anybody's interest. I would infinitely rather stand here and advocate the confirmation of the appointment of any human being than to be put in the position of opposing it.

I have nothing personal against Mr. Jonas in any personal way. But when he undertakes to bring my Commonwealth into obloquy; when he publishes in the newspapers wantonly and without provocation the statement that justice can not be had in North Carolina in an election case, with no evidence to support him, when we all know that contested-election cases in North Carolina are put at the head of the docket and do not take their place in the ordinary run of cases, that a quo warranto proceeding takes precedence over every other case that is brought in order that there may be expedition; when as a matter of fact criminal actions in North Carolina are tried almost invariably within the third or fourth month after the indictment; when, so far as I know, the State's good name has never been successfully impeached in this respect at any rate; when he utters language of that sort and comes here asking to be placed in the position of United States district attorney in a court there which is to deal along with the other courts in the State, he, as the prosecuting attorney on the part of the United States, having impeached the character and the good faith of the 18 prosecuting attorneys in the superior courts of the Commonwealth, then I consider that I would not be doing my duty either to my State or to the United States Government or to myself if I did not say that on account of his own utterances he is disqualified; and on account of the utterance attacking the character of the courts in my State I must submit that he is personally and his appointment and his confirmation are personally obnoxious to me. I would be unwilling to go back and look the people of North Carolina in the face if I took any other position.

Mr. WATSON. Mr. President, I heard somewhat indistinctly a portion of what the Senator said. I want to ask the specific question whether or not, after having submitted this case in all its phases, he is willing to stand on the floor of the Senate and make the statement that this nomination is personally offensive and personally obnoxious to him?

Mr. BAILEY. I made that statement and explained exactly why—not personal in a personal sense and with no intention whatever to use any power or privilege in this body in a personal way, but personal in the sense that he has offended against my Commonwealth wantonly and unjustly.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination?

Mr. NORRIS. Mr. President, I have some doubt as to whether I ought to address the Senate on this occasion on this subject. I am aware that all human beings are susceptible to influence and that none are free from sometimes being influenced, even unconsciously, to the extent that it may be that their personal feelings override their more sober judgment. At the outset I want to state to the Senate frankly that while I am unconscious of it, I realize that we are often prejudiced unconsciously, and I think it is fair, if anything that I say has any weight with any Senator, that he should judge and pass upon what I say, knowing from my own personal experience, while it does not appear in the record in this case, that it may be I am a biased judge.

Mr. President, I was the author of the resolution under which the Nye committee were appointed and under which they acted and from which they obtained all their authority and jurisdiction. Although it turned out afterwards that one of the major investigations took place in my own State and in which I had a personal and direct interest, I was of course unaware that such a thing would happen. It never occurred to me when I prepared and introduced the resolution that such a thing would happen.

I saw the Nye committee in action. I saw them ridiculed. I read innuendos and slighting remarks that were made about them in my own State by newspapers and politicians. Some of the leaders in both political parties and some of the prominent men who had held high office, even the highest within the gift of the State, the governorship, said

things about the Nye committee casting reflection upon their honesty and upon the resolution under which they were acting.

Then I saw the Nye committee, or two members of it, a subcommittee consisting of the chairman of the committee [Mr. NYE] and the Senator from Vermont [Mr. DALE], when they were trying to unearth one of the foulest and most disreputable and dishonorable and filthy schemes that had ever been put up in the political history of my State. I saw them fail to get any evidence. I saw them come into the State again and fail again, to a great extent surrounded by men who it was afterwards shown were guilty of crime and small things that would bring disgrace to the commonest wriggling, writhing, crawling snake in the grass. I saw all those things heaped upon them and happen to them, and I saw them finally when they uncovered to some extent this dirty, vile political scheme, and brought forth into the open and into the presence of all the citizens of the State and of the United States some of the true facts that developed and showed this political conspiracy which I have just mentioned.

I saw those two Senators surrounded by influences from both political parties which would have been almost enough to discourage anyone and cause him to go out of the State and quit. But I saw them return; I saw them continue and continue against these odds until they commenced to turn up the corners and find the slimy, disreputable perjurers who had been trying to disfranchise the voters of an entire State.

Perhaps, as I said, because I came to have an interest in that particular investigation, some of the things that admittedly had happened, disgraceful and dishonorable—and incidentally they never developed or got any of the truth until after the primary—have caused me to be somewhat biased. During that memorable primary some of those disreputable and obnoxious acts were charged publicly to me. Naturally I had a deep feeling.

I saw that subcommittee afterwards connect with parts of that dirty political scheme men high in the official positions of the party to which I belong. I saw them in Washington tear off the slimy and dirty clothing of a member of the executive committee of a great political party. I saw them in the capital of my State where one bit of evidence after another finally led them up to some of the most prominent men in the political party of which I was a member, men who all the time, of course, knew what the dirty scheme was and who were to blame for it, who had sat in silence as witness after witness was placed upon the stand by these two Senators in an effort to show who the guilty parties were. I saw those prominent men remain silent, as dumb as posts. Only after the evidence had been gradually unearthed, not until they were coupled with this disreputable conspiracy, did they come forward and admit the truth. I say, "Admit the truth." They admitted the truth only so far as it had been developed. From Washington, where the mask was finally torn from the countenance of Lucas, all the way back to Chicago, through the city of Lincoln, and 200 miles west of that, little by little the evidence developed and showed, in part at least, who was to blame and who was behind the corrupt, damning, disgraceful, unpatriotic, treasonable action of men who before had stood high among their fellows. Men who were prominent as financiers and bankers, who were active in the Boy Scout movement, one of them a teacher of the greatest Sunday-school class in the entire State, finally admitted that it was their funds—they said the funds were theirs—that oiled this corrupt machine.

From the beginning until the investigation ended I saw, read, and heard slurs and innuendoes cast upon Senator NYE and upon Senator DALE, who sat there, it seemed to me, incorruptible, undefiled, and unafraid, with a courageous determination to get the truth no matter where it led; and it led them into avenues where they never suspected the truth would lead them, into avenues high up, even next to the throne.

Mr. President, it may be that I conceived in my mind and in my heart a jealousy in favor of those two Senators who stood up under it all, who went through it all, and who bravely, courageously, and honestly brought out the truth, so far as they were able to bring it out. So when from some other quarter comes a slanderous statement against the Nye committee, it may be that I am unduly moved; it may be that I ought to remain silent; but, Mr. President, I still believe that there is something greater involved in this issue than my personal feelings, than my personal welfare, or the personal feelings or welfare of the members of the Nye committee. I believe that there is a fundamental principle involved, namely, the maintenance of honest elections according to the laws of the several States through the medium of publicity given to every attempt to nullify those laws and the effort to bring to justice, if possible, those who are guilty of frauds and crimes against the laws of our country; for, after all, Mr. President, we claim to be a republic, and the success of our Government depends upon one thing more than any other, and that is that at the bottom of our governmental structure elections shall be honest and fair and legal.

That was the issue involved—to keep elections pure and above disrepute—when I introduced the resolution. I take it, that that was what was in the heart and the mind of every Senator when he voted for it, and in your mind, Mr. President, when you appointed the committee to carry out the mandate of the Senate. We wanted to keep our elections pure, because we knew that if they are not kept pure, if the fundamental corner stones of our Government are corrupt, then the governmental edifice will eventually topple and crumble into decay. That is what is involved, and when the Senate appoints a committee to go out and see that that is done, if we are not to defend it when it is slandered, when it is misrepresented, when innuendoes of all kinds are made against it, how do we expect the people of the United States to have any respect for it or for us? How are we going to preserve the purity of our elections if, when we appoint a committee to go out and do something to help keep them pure, we are then going to let those who have perhaps a direct interest, perhaps a fraudulent interest, in the result of elections, hold the committee up to scorn and ridicule and then we here approve their action?

It is not a question of personal assault upon Senator NYE; that is important, I concede; but I would not keep a man out of public office because in the heat of a campaign he had said something of which he afterwards repented about a Senator or about anybody else. I do not believe anyone will accuse me of having that kind of a feeling, because in the many years of my life I have been through all kinds of political contests, and I have not laid up in my heart any revengeful spirit against those who fought me, even though I believed they were unfair and unjust. But corruption has some influence upon my mind, and here is a case where a committee of the Senate, sent out to uphold the laws of Congress and of the several States, are, in a sense, assaulted by men who ought to have more sense, more wisdom, and more patriotism than to do it—assaulted for partisan political reasons. Some of us may be inclined to decide the question on personal matters and say, "If Senator NYE forgives this man, then that ought to end it." It is commendable for Senator NYE to say, "So far as anything personal is concerned, I pass it by; it does npt have any effect on me"; but if we are not going to uphold our laws, and the instrumentalities which we ourselves provide to uphold them, how do we expect any respect from any of the people of the United States?

Moreover, when does this apology come? It comes too late to show good faith on the part of the man who makes it; it comes after the contest is on; it comes when he wants to be confirmed for a high office. So, even on personal grounds, it seems to me it is not entitled to very much weight.

Mr. President, there is before the Committee to Audit and Control the Contingent Expenses of the Senate another resolution, one which I did not introduce, but it is practically a copy of the one I did introduce two years ago and which was adopted. I refer to a resolution introduced by the Senator from Iowa. It has been reported out of one com-

mittee, as I understand, and is now before the Committee to Audit and Control the Contingent Expenses of the Senate. That resolution provides for another investigation, with the idea of upholding the same laws, with the idea of putting our elections upon a higher plane, by saying to those who would be inclined to violate election laws, "You are going to be exposed if this committee can find you out." Are we going to appoint such a committee, and if we are are we going to send them out and let the country know that everybody can assault them, that everybody can try to create a public sentiment everywhere against them, can put blocks and stones in their pathway, obstruct everything they try to do, lie to them, perjure themselves on the witness stand, and get away with it, and then have their actions approved later by the Senate? How much effect will that kind of a committee have in the effort to purify our elections and prevent men from committing crimes against the election laws?

If our election laws are not to be upheld, if crime is going to be allowed to escape unpunished when it attacks election laws in partisan controversies and contests, then why not abolish all pretense of honesty in elections? Why not put a sign up over the Vice President's chair or at the outer door and say, "Seats in this Chamber are for sale to the highest bidder; send in your bids to So-and-so"? Why not sell seats outright and turn the money over to the Government and relieve the taxpayers? If we are going to quit in our attempts to try to have Senators elected by honest, honorable, and legal methods, then throw off the cloak of pretense and sell the whole Senate to those who have got money enough to buy it, or let the candidate mortgage his official action after he gets here to the man or the corporation that is willing to put up the money to buy a seat for him.

Mr. REED. Mr. President, I can not allow this matter to go to a vote, especially after what has been said by the Senator from Nebraska [Mr. NORRIS] without an expression of my own feeling about it.

I do not believe that the criticism made of Senator NYE or the Nye committee furnishes any ground whatsoever for our voting to reject the nomination. I think that the argument of the Senator from Nebraska leads directly to the conclusion that we are trying to envelop ourselves with something of the sanctity and the immunity that we give to our courts of justice. I believe that every Senator, like every other legislator and every person holding an office in the executive department of the Government, should be subject to the fullest criticism of anything he does, whether as a member of an investigating committee or any kind of a legislative committee or on the floor, or anything he does in his political or personal life; and I think that the moment we ascribe to ourselves any immunity from that criticism we are doing not only a weak thing but something that would, if it were successful, weaken the integrity of our Government.

If the statement made by this nominee was in fact libelous of Senator NYE—and I think it was—then it was for Senator NYE to decide whether he would have his action for libel, or whether he would prosecute criminally for libel, or whether he would ignore the whole business as too trivial and insignificant to matter. That is a decision that all of us have to make almost from day to day, because we are libeled, we are slandered, and so is every other public official, most of the time. Ofttimes the slander or the libel is perfect nonsense; but that is an incident of public service. For us to say that we will not confirm a man here because he has insulted or libeled or slandered one of our number in any of his public activities is wrong, Mr. President; and if I should vote against this nomination I should want it to be made very clear that that was not my reason for so voting. What bothers me is a totally different matter.

According to the Senators from North Carolina, this nominee has spoken ill of the courts of his own State. He has denied their integrity. He has reproached them for an unwillingness to administer justice; and he has admitted that those charges were wholly unfair and unfounded, and has said that he has no evidence to sustain that attack upon the integrity of the courts. If that statement were made without warrant about the courts of my own State of Pennsylvania, I should unhesitatingly rise to my feet here and say that the nominee was wholly obnoxious to me; and I should ask the Senators, regardless of party, to deny him the confirmation of his appointment. It is not a question of party. It is a question that goes to the very integrity of the operation of our Government.

It is upon that ground, and because the Senator from North Carolina has stated that this nominee is personally obnoxious, because he has flaunted and insulted the courts of that State without warrant, without excuse, that I feel myself justified in voting against this confirmation.

Mr. NORRIS. Mr. President, I only want to make a brief statement. I can see how my vote, at least, might be misunderstood.

Ever since I have been a Member of the Senate I have taken the position that the Senate was not justified in rejecting a nominee simply because some Senator said that the nominee was personally objectionable to him. I always held that when a Senator made that statement, it was his duty to tell the Senate—or, if it was a committee, to tell the committee—what his reasons were for reaching that conclusion, and let the Senate or the committee be the judge as to whether those reasons were sufficient for him to make the objection on personal grounds.

In view of what the Senator from Pennsylvania said—and I know there are a good many other Senators who do not agree with me on that, and think that when a Senator makes that statement it ought to be sufficient—for fear in the future it may be said that Senators, particularly myself, voted against Mr. Jonas because it was stated that his nomination was personally objectionable to another Senator, I want to say that while, of course, I am going to vote against his confirmation it is not on that ground.

Mr. DILL. Mr. President, I had not intended to speak on this matter, though I gave considerable attention to this nomination when it was before the Judiciary Committee; but the remarks of the Senator from Pennsylvania [Mr. REED] lead me to say a few words.

I agree with everything that the Senator from Pennsylvania says about the criticism of Senators. I believe that any man who takes public office must expect to be attacked and accused and abused and misrepresented almost beyond endurance, sometimes; and I, for one, would never vote against anybody because he criticized a Senator in public office, or a Congressman, or a President, or a judge. That is where I want to differ from the Senator from Pennsylvania.

The Senator from Pennsylvania thinks it is absolutely all right to attack and abuse and criticize and ridicule a man who holds public office if he be in the legislative branch of the Government, but if a man utters any attack at all upon a judge he has committed the supreme crime.

Mr. REED. No, Mr. President; will the Senator yield?

Mr. DILL. I yield. I understood the Senator that way, however.

Mr. REED. I said that was so only when he attacks the courts of the land admittedly without excuse, as this man now admits he was without excuse.

Mr. DILL. He admittedly attacked Senator NYE without excuse.

Mr. REED. It would not make any difference to me whether his attack had an excuse or had not.

Mr. DILL. That is the point I am trying to make.

Mr. REED. I think there is a distinction.

Mr. DILL. I know the Senator does. That is the point I am trying to make—that because a man holds a position in the legislative branch of the Government he must endure anything and everything, and I think he should, but if he happens to hold a judicial position, there is something divine about it, there is something sacred about it, and he is above attack. I think that is the greatest curse in the Government of this Nation.

Mr. REED. Will the Senator yield again?

Mr. DILL. I yield to the Senator.

Mr. REED. Does not the Senator see any difference between a position like ours, where we can talk back, or a position like that of the President, who can talk back, and the position of a judge, who by all the ethics of his position is restrained from entering into such a controversy?

Mr. DILL. There may be a difference, but in my judgment it is not great. The thing I want to talk about is this tendency on the part of public men to throw around a man who happens to get a judicial position a reverence that he is not given if he holds any other kind of public position.

I grant that as a judge in court a man is entitled to respect, just as the Senate is entitled to the respect of the country; but when he is not on the bench, when he is off the bench, a plain citizen, he ought to be open to attack just like anybody else, and he has a right to defend himself like anybody else; and I have seen a few judges who did defend themselves like other people. For my part, I do not see any difference because a man is an official in the judicial department of the Government or because he is in the legislative branch of the Government; and my criticism of Mr. Jonas, and my objection to him, are not that he attacked Senator NYE unjustly. They are not that he attacked some judge somewhere unjustly. They are that these attacks, made as they have been made repeatedly on different public officials, show that he is a man who is not self-controlled, show that he is not temperate, show that he is reckless and can not be relied upon to use the tact and judgment that a man in the position he has been appointed to fill ought to possess. They show that he is not qualified to hold a position with the power that a United States attorney holds; and, unlike the Senator from Nebraska, I attach a great deal of weight to the fact that the Senators from Mr. Jonas's State look upon him as personally objectionable. I believe that that is an objection that ought to have great weight with Senators, and it does have great weight with me.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. DILL. I do.

Mr. NORRIS. I do not want the Senator to get the idea that I think such a thing is not entitled to weight. Perhaps what I said would convey that idea, but I do not want it to do so. What I mean to say is that when an objection is made that a nominee is personally objectionable, standing alone, I would not vote against his confirmation unless the reasons for the matter were given, and they appealed to me as being sufficient.

Mr. DILL. I can conceive, I think, of a case where that might be true; but I hardly think a Member of this body would declare a man personally objectionable to him without having good reasons—and by "good reasons" I mean reasons that would justify any fair-minded man in considering him personally objectionable.

I do not want to take the time of the Senate, but I did want to express that viewpoint, because I believe the greatest thing that can be done for the courts of America is for the judges of those courts to be made to realize that they are the servants of the people; that they hold public office just as much in the judicial department as do the men in the executive and the legislative departments; and I do not believe an attack upon the integrity of a court is any worse than an attack upon the integrity of the Presidency or of the Senate or of the House of Representatives. The difference is that the court can protect itself by contempt proceedings. They are all coordinate branches of the Government. The court has its own power to protect itself when there is a case under consideration, and that is all that is necessary. I refuse to sit silent and hear men who are in elective offices of the legislative branch of the Government treated as if nothing can injure or hurt them and men who happen to be in the judicial branch of the Government elevated to that divine place that no word of criticism may be mentioned against them without committing lèse-majesté.

Mr. ROBINSON of Indiana. Mr. President, I had not expected to say anything on this question; but in view of what has been suggested by the senior Senator from Nebraska [Mr. NORRIS] I feel called upon to make myself heard on one or two points at least.

I am just as much interested as is the Senator from Nebraska in clean and honest elections, in having Members represent the various States in the most creditable manner, and in having them come here with credentials against which there can be no complaint. I have a record on that subject, Mr. President. I did not hesitate to vote to reject Smith, of Illinois, and Vare, of Pennsylvania, when those contests were before the Senate.

We may have a similar contest in North Carolina. Every Member of this body knows that there were charges of widespread fraud in that State. When that question comes before this body, if it does, if there be evidence to support the charges that are made, I shall not hesitate again to vote for the rejection of anyone in this body who might have been a beneficiary of those widespread frauds.

I think this nominee for this official position was sincerely interested in that question. The junior Senator from North Carolina himself has been interested in that question for years past, according to all the information that has come to me. He himself has made charges, much more serious against the election laws of North Carolina, I am informed, than any attempted or suggested by this nominee for the office of United States attorney.

This man, if he becomes United States attorney, will be the prosecuting attorney for the Federal Government in that Commonwealth. He ought not to be intimidated. He ought to speak his mind freely. He ought to be given credit for criticizing bad election laws; and if he is sincere in it, he ought to be given credit for criticizing a Member of this body, if he really believes that Member has not done his duty in uncovering election frauds.

I know the shoulders of the Senator from North Dakota [Mr. NYE] are broad. He will not object to such criticism, whether it is right or wrong, if he believes it was sincerely made. So I think it comes to be largely a political question, from all the evidence I have been able to get.

While I was not a member of any subcommittee investigating this nominee's qualifications, I did attend meetings of the Committee on the Judiciary and became impressed with this salient fact, that Mr. Jonas is honorable, capable, clean, and that he has made an excellent record, up to this time, in the office he holds at present. So it seems to me there is no reason why he should be rejected, unless it be on political grounds.

I can not follow the logic of the Senator from Nebraska, who has my very great admiration, when he attempts to link this with the question of corruption in senatorial elections. It was exactly out of that situation that this controversy arose. What Mr. Jonas has undertaken to do has been to point out glaring defects in the election and perhaps in the machinery which has been provided for holding elections in North Carolina. Is that any reason why he should be rejected for the office of United States attorney, when we understand that if he is finally confirmed in that office it will be his duty then always to keep his eye and his ear wide open to see whether there be any corruption anywhere along the line?

Mr. MORRISON. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. ROBINSON of Indiana. In just a moment I will yield to the Senator.

I should think that would be an added qualification for the post to which Mr. Jonas has been nominated. When that question comes to this floor, if it does, we will know more about these alleged irregularities in North Carolina. The Members of this body may have an opportunity to weigh the evidence and then to vote; and if the evidence is as I have been given to understand it may be, it will be interesting to see Senators on the other side of the Cham-

ber vote in accordance with views expressed in the past when similar questions have been before this body.

Mr. President, while I go as far as does the Senator from Nebraska in insisting that senatorial elections be held far above corruption and that they be honestly conducted, I do not follow his logic in this situation at all, because that is what Jonas stands for, and all of his trouble at the present moment has grown out of his insistence in that regard.

Now I yield to the Senator from North Carolina.

Mr. MORRISON. The Senator has moved so far from what he was talking about when I desired to ask him a question that I believe I will delay and answer him when he gets through, instead of asking him a question.

Mr. ROBINSON of Indiana. I am perfectly willing to answer any question the Senator may have to propound, if it is within my power to do so.

Mr. MORRISON. Does the Senator believe Mr. Jonas was doing anything to promote fair elections by denouncing the committee a month before the election took place and charging it with whitewashing the election the Senator is talking about because the committee had displeased him in the manner in which they had investigated a primary election?

Mr. ROBINSON of Indiana. Mr. President, perhaps the committee did not investigate aright; perhaps there was some ground for the criticism. We will pass on that question, I will say to the Senator from North Carolina, when the time comes. The Senator will have an opportunity, I apprehend, to pass on that question and to vote, himself, with reference to the election down there. Then we shall be able to see, perhaps, whether there was any justification in the criticism leveled against the committee. But the point I make is, whether or not he was justified in that criticism, he had a right to make it if he was sincere in making it, and I honor him for having done so. It takes courage, and especially down there, to stand up and be willing to criticize in a matter of this kind, and particularly when the man making the criticism occupies the prominent place in his party this man does occupy.

Mr. President, I think the whole question as to the justification of this criticism can be left in abeyance. The Senate is in no position yet to judge. When the evidence is laid before the Senate, as I hope it will be, then, indeed, we can vote on that question; but in the meantime I am certain the Senator from North Dakota is perfectly able, and, for that matter, willing, to absorb any criticism that may come his way. He, like most of the rest of us, has been compelled to accept a great deal of criticism, and I suppose we will continue to be criticized as long as we are in public life.

I may say, in passing, that some of us have been criticized even on the floor of the Senate in far more severe terms than were suggested by this nominee for this particular place.

Finally, in my opinion, this man is eminently qualified for the place to which he has been named by the President. He is honorable, upright, straightforward, and able. Therefore, he ought to be confirmed.

Mr. WATSON. Mr. President, in many respects, whether in our individual and personal or in our official capacities, we are creatures of habit. I have followed certain rules since I came to the Senate; and, while consistency may be for small minds, nevertheless, I am open to the charge of at least attempting to be consistent during my career in the Senate. I have always believed that when a man came properly accredited from his State with a commission as a Senator elect, duly signed by his governor, it was the duty of the Senate to admit him. I argued in the Vare case and in the Smith case that that was the duty of the Senate. When the junior Senator from Alabama [Mr. BANKHEAD] came here duly accredited, I was one of those who said in the Republican conference that I expected to vote to admit him, notwithstanding charges that had been made.

Likewise, when I came here I adopted the policy of voting against the confirmation of any man appointed to a Federal position if and when a Senator from the State in which he lived rose in his place on the floor of the Senate and stated that the appointment was personally obnoxious and personally offensive to him. Originally that rule was followed without regard to the field of activity of the appointee; that is to say, if a man were appointed to office anywhere and a Senator rose to say the appointment was personally offensive, it was regarded as sufficient to cause rejection. But about 10 years ago there was a modification of the rule here, and I was one of those who led the fight to bring about the modification.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Nebraska?

Mr. WATSON. Certainly.

Mr. NORRIS. The Senator does not mean to say there is a rule on that subject in the Senate?

Mr. WATSON. No; I do not mean to say there is a rule; but there is a practice; if the Senator please, an unwritten rule.

Mr. NORRIS. Yes; very well.

Mr. WATSON. It is a practice or custom that has been followed; so that where a man is appointed to serve wholly within the State represented by the Senator who makes the objection, in such a case his objection on such grounds is sufficient reason for rejection.

I believe that the nominee in the present case is perfectly competent; I believe he is an honest man; I believe the President was fully justified in making the appointment; but, because of the fact that the Senator from North Carolina [Mr. BAILEY], in his capacity as a Senator, standing in his place in the Senate of the United States, clothed with all the solemn obligations that should surround a Senator, has made the statement that this appointment is personally obnoxious and personally offensive to him, following my consistent rule and believing it to be the proper one, I can not vote for his confirmation.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination? [Putting the question.] The noes seem to have it. The noes have it, and the Senate refuses to advise and consent to the nomination. The clerk will state the next order of business on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McNARY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The VICE PRESIDENT. Is there objection?

Mr. COPELAND. I ask that Calendar No. 3217, the nomination of Charles A. Sandburg, to be postmaster at Jamestown, N. Y., may be passed over.

The VICE PRESIDENT. Without objection, it will be passed over.

Mr. ODDIE. In behalf of the junior Senator from Ohio [Mr. BULKLEY] I ask that Calendar No. 3238, the nomination of Frank L. Lee to be postmaster at Campbell, Ohio, be passed over.

The VICE PRESIDENT. Without objection, it will be passed over, and, without objection, the other nominations of postmasters on the calendar will be confirmed en bloc.

RECESS

Mr. McNARY. Mr. President, as in legislative session, I move that the Senate take a recess until 12 o'clock tomorrow.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Thursday, March 24, 1932, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 23, 1932

POSTMASTERS

ARKANSAS

Charles N. Ruffin, De Witt.
James D. Lowrie, Elaine.

Julius L. Stephenson, Everton.
Eustace A. Davis, Hatfield.
Charlotte A. Proctor, Hazen.
Barney L. Castleberry, Leslie.
Warren P. Downing, Weiner.

CONNECTICUT

Louis J. A. Stefon, Baltic.
George A. Sullivan, Guilford.
Louise L. MacDonald, Riverside.

IDAHO

Elmer H. Snyder, Filer.

KANSAS

Frank E. George, Altamont.
Jemima Hill, Arma.
Chester M. Cellar, Burlington.
Thomas G. Riggs, Burns.
Harry Morris, Garnett.
Ethel White, Merriam.
Anna Smith, Moundridge.
Myron Johnson, Oakley.
William M. McDannald, Peru.
C. Harold Keiter, Scammon.
Josie B. Stewart, Sylvan Grove.
Elra L. Robison, Walnut.

LOUISIANA

Lula L. Trott, Ringgold.
Dudley V. Wigner, Vidalia.

MISSISSIPPI

Cornelius V. Thurmond, Mound Bayou.

NEW YORK

Harry F. Kuss, Babylon.
Walter H. Estes, Ballston Spa.
Will J. Davy, Bergen.
Edith M. Phelps, Brownville.
Ward A. Jones, Canajoharie.
Stephen E. Terwilliger, Candor.
John J. Finnerty, Croton on Hudson.
Sidney B. Cloyes, Earlville.
Everett W. Pope, Hartwick.
J. Fred Smith, Herkimer.
Clara E. Craig, Hewlett.
Lorenz D. Brown, Jamaica.
Julia J. Tyler, Kennedy.
William J. Thornton, Long Island City.
Charles A. Stalker, Macedon.
Earl G. Fisher, Massena.
Earle U. McCarthy, Mineola.
Erastus J. Wilkins, Norwood.
Charles H. Brown, Orchard Park.
Mary Mullin, Phoenix.
Benjamin C. Stubbs, Plandome.
Clarence A. Lockwood, Schroon Lake.
Anna E. McHugh, Seaford.
Myron J. Kipp, Sidney.
Clarence Smith, Syosset.
Frederick C. Simmons, Waverly.
Verne B. Card, Westfield.
LeRoy Smith, White Plains.
Harry A. Jeffords, Whitney Point.
Norman M. Misner, Woodbourne.
Albert C. Bogert, Yonkers.

OHIO

Carl E. Richardson, Baltic.
Howard E. Foster, Chagrin Falls.
Rollo J. Hopkins, Edgerton.
Edward C. Bunger, Lewisburg.
Michael J. Meek, McDonald.
Reinhard H. Curdes, Napoleon.
Louise Lovett, Wickliffe.

OREGON

Arley A. Sollinger, Canyon City.
Edward J. Dear, Clatskanie.
Charles E. Lake, St. Helens.
George W. Epley, Sheridan.

VERMONT

Elizabeth L. Thomas, Enosburg Falls.

REJECTION

Executive nomination rejected by the Senate March 23, 1932

UNITED STATES ATTORNEY

Charles A. Jonas to be United States attorney, western district of North Carolina.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 23, 1932

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the revelation of eternal love, may we seek constantly to be filled with Thy spirit, using our position, our influence, and our knowledge to soften the sorrows and lighten the burdens of our people. Thus we shall hasten society on to the better days. Thou Christ, with whom everlasting truth doth prevail, unto whom the winds were obedient as Thy holy feet pressed the turbulent surface of the darkened waters, do Thou ripen our judgment and bring us into the clearest and fullest light of Thy wisdom. So direct us that Thou canst give solemn and tremendous sanction to our conclusions. Make our associations helpful; lift them to a plane of brotherly fellowship and cooperation. Merciful God, we pray that the call of our Nation may be our creed and allow nothing whatsoever to lull the needs of the land into the shades of neglect or defeat. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House to bills of the Senate of the following titles:

S. 3282. An act to extend the times for commencing and completing the construction of a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland; and

S. 3409. An act authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Wichita Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita Indians and affiliated bands.

EXTENSION OF REMARKS

Mr. RUDD. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a letter received from the American Federation of Labor.

Mr. UNDERHILL. I object, Mr. Speaker.

HON. GILBERT N. HAUGEN

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, I desire to call the attention of the House and of the country to the fact that we have with us a man who, to-day, completes 33 years and 20 days of continuous service in the House of Representatives.

If I mistake not, this is the longest period of continuous service that any person has ever been privileged to serve in this House. I refer to that grandest old Roman of them all, everybody's friend, GILBERT N. HAUGEN, of Iowa. [Applause, the Members rising.]

Mr. Speaker, may I add that during all these years Mr. HAUGEN has always stood foursquare to every political wind

that has blown. He has not only rendered able, honest, and efficient service to his district but he has rendered patriotic service to his Government. I know I speak the voice of both his Republican and Democratic colleagues when I extend to him our heartiest congratulations on his long and useful service. I want the people of his district and the State of Iowa to know that he has the affection and respect of all his colleagues here in the House, and we hope his life may be spared for another 33 years and that he may be with us and continue his efficient and useful service here. [Applause.]

PERSONAL PRIVILEGE

Mr. LAGUARDIA. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Mr. Speaker, a newspaper published in the city of Chicago known as the Chicago Daily Tribune on Monday, March 21, 1932, made this libelous and willfully malicious statement concerning me as a Member of this House.

LAGUARDIA, who is alien in mind and spirit from Americanism, who has no loyalty to our form of Government, and shows every indication that he is willing to destroy it.

On this I ask recognition, Mr. Speaker.

The SPEAKER. The Chair thinks the gentleman has clearly stated a question of personal privilege. The Chair has looked up the precedents and there are a number of instances not as strong as the one here presented which were held by Mr. Speaker Clark and Mr. Speaker Longworth to be questions of personal privilege.

The gentleman from New York is recognized for one hour.

Mr. LAGUARDIA. Mr. Speaker, there are only two things that a poor man has in this country. They are his honor and his love and loyalty to his country. [Applause.]

It is certainly stooping pretty low when a newspaper, because of difference of opinion, honest difference of opinion, will make such a cowardly attack on a Member of the House.

The writer of this article no doubt wrote it under instructions, and the purpose is manifest. The Chicago Tribune, apparently, disagrees with my views on maintaining a policy of taxation which this Congress has adopted of a progressive, graduated tax on incomes and disagrees with me in my efforts to prevent any system of taxation which will put a greater burden on the great masses of the American people in order to relieve a favored, privileged minority. They have a right to differ. They have no right to impugn my Americanism or attack my loyalty to my country.

Gentlemen, I believe in the freedom of the press. I believe in free speech. I have gone the limit in my official life to defend these institutions. I am often, and naturally, attacked and criticized and very often misrepresented because of the active attitude I take on many issues in this House. I do not complain. I realize it is part of our public life, but I do resent, and I protest an attack of this kind, inspired to create passion and prejudice and animosity in order to becloud the real issue, that of taxation, before the House.

I am sure there is not a man on the floor of this House who happens to disagree with me or who has taken a different attitude from me on this tax question who would not resent an attack of this kind. [Applause.] Has this newspaper no arguments to present to support their contention, whatever it may be? Is it necessary to jeopardize the standing of a Member on the floor of the House by such an unjustifiable attack? The writer of that article must have known the charge was false when he wrote it.

This paper owns a newspaper in my city, under different management, but it is owned by the same interest. That paper criticized me editorially Sunday. It misrepresented me to a certain extent, but the editorial, the attack or the criticism, was within bounds. It was entirely proper from their viewpoint. I did not like the editorial, it was hardly fair. I have no criticism to make of that. It is part of the game. In the case of the Chicago Tribune, it is apparent they could find nothing else, except perhaps the two vowels in the ending of my name, and they hit on the idea expressed in the article—made this cowardly attack.

Gentlemen, there are certain things that even a Member of Congress can not submit to, and this is one of them. I am not going to take the time of the House to-day, because of the calendar situation. I am not going at this time into the reasons for my attitude on the tax bill, because to do that now would not be proper. I will defend my position on that in the course of the consideration of the bill. I do want to say to Mr. Chicago Tribune that I will compare my standing in my community with the standing of the alleged influential Chicago Tribune in the city of Chicago. [Applause.]

THE SALES TAX

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to insert in the RECORD a copy of a speech that I made over the radio last night on taxation.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address over the Dixie network of the Columbia Broadcasting System by myself on the sales-tax feature of the current revenue bill:

I have been invited to talk to you to-night about the sales-tax proposal contained in the pending revenue bill now under consideration by the House of Representatives. It is probably unnecessary for me to say that I am now, and have been, against the sales tax during my entire public career."

The first and chief reason why I oppose the sales tax is that it is contrary to or sins against every sound principle of taxation; it is a tax on consumption, a tax on what we spend for the necessaries of life, it is a tax imposed without any regard or consideration whatever for the principle of ability to pay. One of the chief reasons I have always been a Democrat is because of the traditional theory of that party that taxes should be levied in accordance with this principle.

So far as I am informed, no Democratic convention, either State or National, has ever declared in its platform for a sales tax. The last Democratic convention speaking on this subject was that in 1924, which said:

"We oppose the so-called nuisance taxes, sales taxes, and all other forms of taxation that unfairly shift to the consumer the burdens of taxation."

Upon that declaration I stood then, I stand now, and shall always stand.

But opposition to the sales tax is not confined to Democrats. It has been opposed by many able and patriotic Republicans, as well as most of the great economists of the present and the past. John Sherman, a great Senator from Ohio and Republican Secretary of the Treasury, declared a sales tax to be not only the most oppressive but the most indefensible form of taxation.

Prof. E. R. A. Seligman, professor of political economy at Columbia University, one of the most noted economists of the day, declared that a sales tax is violative of every sound principle of taxation.

John Stuart Mill, in his noted work, Principles of Political Economy, said on taxation:

"The subjects of every state ought to contribute to the support of the government as nearly as possible in proportion to their respective abilities to pay."

That has been the Democratic Party's theory of taxation from the time it was founded by Thomas Jefferson; it was in harmony with that principle that the Democratic Party took the lead in and finally succeeded in having the Federal Constitution amended so that an income tax might be levied. It is no longer disputed, unless it be by some one who is not sufficiently patriotic to be willing to carry his share of the expenses of government, that the income tax is the fairest, soundest, and most equitable form of taxation developed in the history of government. A sales tax is in contravention of every principle of the income tax.

Economists estimate that 13 per cent of the people of the United States own 90 per cent of the total wealth of the country. Under the theory of taxation, according to ability to pay, these 13 per cent of the people should pay 90 per cent of the taxes. But under a sales tax the reverse would be the case, for basing the tax exclusively on consumption, as a sales tax would do, these 13 per cent of the people who own 90 per cent of the total wealth would pay only 13 per cent of the tax, while the 87 per cent of the people who represent 87 per cent of the consuming power of the total population would pay 87 per cent of the tax, although they only owned 10 per cent of the total wealth of the Nation.

The sales tax now under consideration by Congress is in almost its worst form, as it exempts only a portion of the food we consume and levies a tax on everything else incident to life from its beginning to its close. It is also a tax on education, upon transportation, upon the arts and sciences, upon amusements and diversions.

Take the case of the average man, with an average family and a modest salary, say, of $2,000 per year. Of course, substantially everything he earns goes for the necessaries of life, and frequently that salary is insufficient to meet what appears to be requirements incident to the support and upkeep of his family—for education, medical expenses, and so forth. Under the sales tax he would pay on his entire income.

Set opposite this the case of a man with an income of a million dollars a year—and there are many such men even in these times of depression and want. He does not spend even a large fraction of his income for the necessities of life, but let us be liberal about it and say he spends $100,000 a year; he would spend one-tenth of his income, and under the sales-tax plan would pay taxes on one-tenth of his income. May I ask which can best afford to contribute to the support of this Government? The man who spends all of his $2,000, and that in the most frugal way, or the man with an income of a million dollars who would pay a tax on but one-tenth of his income and possibly invest the balance in tax-exempt securities?

I submit that in these terribly hard times, when banks are failing by the hundreds and mortgages being foreclosed by the thousands, when eight or ten million are out of employment and can not get enough money with which to buy bread, when homes are being sold for taxes, this is no time to increase the suffering and misery of our people by heaping additional tax burdens upon the poor and middle classes.

Most of those who are now advocating the adoption of the sales tax apologize for it and justify their action by saying we are facing an emergency that makes this additional tax necessary in order to preserve the credit of the Federal Government. I contend, however, that the facts do not warrant this conclusion, though I maintain that the Government's credit must be protected and preserved. The first step, however, in this direction, and the first thing that should be done toward balancing the Federal Budget is to cut Federal expenditures drastically.

The Democratic-controlled Appropriations Committee of the House has made a splendid record in this direction. With four major appropriation bills yet to be reported out, it has reduced appropriations for the fiscal year 1933 under those of 1932 by nearly $500,000,000, and appropriation bills yet to be acted upon will increase this figure, I am confident, to more than a half billion dollars. Not only that, the committee has already cut appropriations under the Budget recommendations of the President for 1933 by $115,000,000, and will increase this cut to not less than $150,000,000. But we have just started. Other economies should and will be effected.

When we add to these savings the additional sums that can be obtained through higher income-tax rates in the upper brackets, affecting those with incomes of $100,000 or more per year, and when we increase the inheritance-tax rate and impose a gift tax, we will be pretty close to the goal of a balanced Budget—so near that I have small doubt that with needed stop-gaps in the Treasury Department to prevent tax evasions, and with some justifiable nonburdensome luxury taxes, we will be able to balance the Budget of the Federal Government in a reasonable time, and do it without the necessity of imposing a sales tax which, to my mind, can only be justified in a period of very great national stress, as, for instance, in times of war.

Not even in the grave emergency of the late World War, when we wrote a war revenue bill under the leadership of Woodrow Wilson, of William G. McAdoo, and the two great North Carolina legislators, Senator F. M. Simmons, and Claude Kitchin, did the situation become so serious that it became necessary to levy a general sales tax. Surely we have not arrived at so grave an emergency now.

We hear it said that unless the proposed sales tax is imposed in order to balance the Budget, the Government's credit will be seriously impaired, and that prices of bonds will fall to ruinous levels. I do not believe this is true, but rather that this is a threat from the great moneyed interests made in the effort to thrust the burden of taxation on the shoulders of those who are least able to pay in order to relieve those who are most able to pay.

If in this emergency wealth does not shoulder its share of the burden, then what has become of the patriotism of the wealthy class? Compare it with the noble and sacrificing patriotism of the millions of men who rallied to the defense of the Government in the late war, thousands of them giving even their lives as a sacrifice on their country's altar. Surely in this emergency wealth ought to offer itself now as the youth of our land did in that other period of sacrifice.

Moreover, it is within the power of the Government, without the imposition of any additional taxes, to get enough money already owing to it to go a long way toward balancing the Budget. In December, responding to an inquiry made by Representative MCFADDEN, of Pennsylvania, Secretary Mellon advised that tax cases involving $917,000,000 owing to the Government were tied up in cases before the Treasury Department. A little expedition in settling these cases would bring into the Treasury in a relatively short time some $300,000,000 more money than is estimated to be raised by the pending sales-tax proposal.

Furthermore, I invite attention to the fact that in the last 10 years the Treasury Department has allowed in cash tax refunds, credits, and abatements more than $3,500,000,000. Nobody believes that all of this money was erroneously collected or ought to have been all paid back, because about 80 per cent of it was collected more than a decade ago in war taxes to pay the cost of winning the war.

If the Treasury Department were not so generous in granting these huge tax refunds, we would not have these gaping holes in the Treasury which are being used to-day in an effort to frighten Congress into burdening the American people with a sales tax, which, I repeat, is an unjust and most burdensome tax, resting most heavily on those least able to pay it.

When we have collected the money rightly owing to the Government, when the Treasury Department quits giving back billions in refunds, and when we exhaust the resources to be reached by the income and inheritance taxes and by luxury taxes, and when we have cut out all unnecessary expenditures and applied the most rigid and drastic economy compatible with efficient Government, then will be the time to again consider the state of the Union and determine what further revision of our revenue system may be required.

The committee having this bill in charge, seeing certain defeat of the sales-tax provision, have offered some amendments in their desperate effort to prevent defeat; however, the vicious principle remains, also many of its burdensome features; hence it should and, I believe, will be defeated.

VIRGINIA

Mr. FISHBURNE. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. FISHBURNE. Mr. Speaker, ladies, and gentlemen, I desire to read to this House a recent editorial written by a distinguished author and orator, Claude G. Bowers, entitled "Virginia Shrines."

VIRGINIA SHRINES

By Claude G. Bowers

With the Washington celebration in full blast, and many Americans planning a sentimental and patriotic journey into Virginia, we make this suggestion for which we will be thanked. No motorist planning his journey should fail to include Charlottesville, for not only is there charm to that ancient southern town and hospitality and the best possible hotel accommodations, but there, too, are shrines at which all Americans should bow.

These shrines are associated with the intimate friends of Washington—men who with him, helped to make America and Americanism.

First of all is that incomparably beautiful home of Thomas Jefferson on the hilltop, Monticello, visited for a century and a half, not only because it was the home of the author of the Declaration of Independence and the philosopher of American Democracy, but because it is an architectural gem.

Down in the valley, and within sight of the home of Jefferson, the tourist may visit Ashlawn, the home of James Monroe, father of the Monroe doctrine. Jefferson designed the house to fit the financial means of his disciple, and Monroe chose the site so he could see the lights in his idol's mansion from his own window. A fine statue of Monroe soon will be unveiled there on the lawn.

The boxwood there is worth going hundreds of miles to see. And within easy distance of Charlottesville the motorist, on a sentimental journey, will want to see Montpelier, the stately home of James Madison, "Father of the Constitution." An ideal patriotic pilgrimage, this, to the homes and haunts of Washington, Jefferson, Madison, and Monroe.

Mr. Speaker, Virginians are justly proud of the many great men whose names have adorned the history of their State, and they are proud of the fact that the attention of the Nation is being called back to Virginia's shrines.

I shall undertake to make a statement before this House, which represents all the States of the Union, that I have made heretofore for Virginia consumption, a statement I believe historically true, and I ask you to weigh what I say. Three great Virginians did more toward the formation of this Government than any others in this Republic: George Washington made our Government possible; Thomas Jefferson made it popular; and John Marshall made it permanent.

The thirteen Colonies declared their independence of Great Britain in terms of the Declaration of Independence; they gained their independence under the military leadership of George Washington; they established the Government in a convention presided over by George Washington; and the first President of the Republic so established was George Washington, the one person in the new Republic whose transcendent fitness was unanimously recognized.

After George Washington the trend of the Government, however, was inclined toward monarchy, which was much feared by the body of the people; such fears were dissipated when Thomas Jefferson, the author of the Declaration of Independence and the Virginia Statute of Religious Free-

dom, identified with the great principles of Democracy, became the leader of the people, and restored confidence in the purposes of the new Government.

The followers of the republican ideals of Jefferson in their buoyancy and enthusiasm may well have threatened the stability of the Government had not John Marshall, jurist and statesman, Chief Justice of the Supreme Court of the United States of America, by his decisions stabilized the young government and created in that court a balance wheel for the new Republic.

I have the honor of representing the district in Virginia in which Charlottesville and Albemarle County are located. I was born and reared in the county of Albemarle under the very shadow of Monticello, the little mountain, where Thomas Jefferson, the patron saint of Democracy, had his home, and I am an alumnus of the University of Virginia, established by him. I am prouder still of being a member of the party founded by Thomas Jefferson, which alone of all American parties can boast an unbroken historic continuity for more than 100 years, and which will continue to exist in undiminished vigor as long as there is a response in the hearts of our people to the doctrines taught by Thomas Jefferson, whose own great heart was attuned to the "still sad music of humanity."

It has been said of Jefferson that he was—

A wise philosopher, a consummate diplomat, a prescient statesman, a daring crusader for liberty and toleration; he was one of the most accomplished gentlemen of his age. Artist, musician, architect, landscape gardener, lover of painting and sculpture, and a graceful writer; no other American statesman has approached him in versatility of talent. His artistic spirit lives in the exquisite beauty of Monticello and in the stately lines of the University of Virginia. His love of liberty and equal rights is written into the laws. His wisdom lives in his published letters and public papers, and his monument is the Republic of the fathers.

I want to recall to this House that the greatest orator, writer, and statesman of modern time, Woodrow Wilson, was an alumnus of Jefferson's university, and it is a striking reflection that the beau ideal of Woodrow Wilson was to make the world safe for Jeffersonian Democracy. [Applause.]

This is a Democratic year, and the Democrats have control of this House. Since I have been in this distinguished body, I have been voting with my Democratic brethren for measures which have originated in the opposition party, from a patriotic feeling that perhaps such measures might, to some extent, relieve the distress caused by the extravagance and misrule of Republican administrations. We have gone far, and I believe there are others beside myself who feel that perhaps we have gone too far, and we do not enjoy the unctuous commendations of a party that welcomes our efforts in behalf of measures introduced by them but treat with distrust and disdain measures which the Democratic Party advances.

In my humble judgment, the greatest question before the American people and the issue, if properly met, which will do most to benefit this country is the proper adjustment of the tariff. The day of infant industries has passed, our industries are no longer infants but lusty adults, and this Nation has become the great creditor nation of the world.

We have been supporting loyally measures originating in the White House. Is it too much to ask from the White House and the Republicans in Congress their loyal and generous support of a bill introduced in this House which asks for a reduction in the tariff walls and is designed to place this great creditor nation in the enviable position of being the great clearing house of the world? I say that we Democrats are beginning to feel that the doctrine of reciprocity is at least being neglected when we are asked to support Republican measures, and do support them, but Democratic measures are treated with disdain and contempt.

We are beginning to be suspicious of the candor of our Republican friends and feel like old Isaac of old when he exclaimed: "The voice is Jacob's, but the hands are the hands of Esau."

We are on the eve of a great election, and it may not be inappropriate to refer to the fact that Virginians may present to the country as a presidential candidate a man that the great writer and orator, whose editorial I have read you, described in a recent interview as follows:

What Harry Byrd needs more than anything else is a campaign of nation-wide publicity to acquaint the country with his truly extraordinary record as Governor of Virginia. The country as a whole is not aware of that record to the extent that it should be.

Harry Byrd is a man whose record, when properly publicized, would seize the imagination of the American people. He is one of the commanding figures in the Democratic Party, and he will certainly be elected if he is nominated.

Is it not possible that the hosts of Democracy may in this year of our Lord march to victory led by a Virginian, and the battle song of the marching millions be the inspiring song so beautifully rendered recently by our distinguished colleague, Carry Me Back to Old Virginny? [Applause.]

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the committees, and when the Committee on the Public Lands was reached:

Mr. EVANS of Montana. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill H. R. 8087, authorizing the Secretary of the Interior to vacate withdrawals of public lands under the reclamation law, with reservation of rights, ways, and easements.

Mr. JOHNSON of Washington. Mr. Speaker, pending that, I beg to suggest the absence of a quorum.

The SPEAKER. The gentleman from Washington makes the point that no quorum is present. The Chair will count. [After counting.] Seventy-one Members present—not a quorum.

Mr. EVANS of Montana. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms directed to notify absent Members, and the Clerk called the roll. The following Members failed to answer to their names:

[Roll No. 31]

Amlie	Davenport	Jenkins	Ramspeck
Bacharach	De Priest	Johnson, Ill.	Rayburn
Beam	Dickstein	Kelly, Ill.	Reid, Ill.
Beck	Disney	Kurtz	Rogers, N. H.
Bland	Doutrich	Lea	Sabath
Bloom	Free	Lehlbach	Schneider
Boland	Freeman	Lewis	Schuetz
Briggs	Gambrill	Linthicum	Selvig
Britten	Garber, Okla.	Ludlow	Stokes
Chapman	Golder	McClintic, Okla.	Strong, Pa.
Chase	Goldsborough	McGugin	Taylor, Colo.
Chindblom	Greenwood	McLaughlin	Tinkham
Clarke, N. Y.	Griffin	McSwain	Treadway
Collier	Hall, N. Dak.	Magrady	Tucker
Connery	Hancock, N. C.	Nelson, Me.	Watson
Cooper, Ohio	Hogg, W. Va.	Parker, N. Y.	White
Cox	Hull, William E.	Peavey	Wood, Ga.
Crisp	Igoe	Pratt, Harcourt J.	Wood, Ind.
Curry	Jacobsen	Purnell	Yates

The SPEAKER. Three hundred and fifty-five Members have answered to their names, a quorum is present.

Mr. EVANS of Montana. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. EVANS of Montana. Mr. Speaker, I now call up the bill H. R. 8087.

Mr. ABERNETHY. Mr. Speaker, I have been seeking recognition to ask unanimous consent.

The SPEAKER. The gentleman from Montana has the floor and is in charge of the bill.

Mr. ABERNETHY. I am asking the gentleman from Montana if he will permit me to speak out of order for 10 minutes?

Mr. EVANS of Montana. I will yield to the gentleman from North Carolina.

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to speak for 10 minutes out of order.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to speak 10 minutes out of order. Is there objection?

There was no objection.

Mr. EVANS of Montana. Mr. Speaker, will the gentleman from North Carolina yield?

Mr. ABERNETHY. Yes.

Mr. EVANS of Montana. Mr. Speaker, I did not object to this request, but I serve notice now on the House that to any further requests during the day I shall object. This is Calendar Wednesday, and the Committee on Public Lands has the call. We will be called only once during the session. We have some important bills. One or two of the bills are controverted. It is very evident that it is the disposition of the House not to allow those controverted bills to go through. I hope we may proceed to take up matters about which there is no controversy and have them passed. Under these circumstances I shall object to any further unanimous-consent requests.

THE SALES TAX

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. ABERNETHY. Mr. Speaker, I hope the House will give me its respectful attention, because I am trying to perform what I believe is a real service to the country. I may not measure up to that. I dislike very much to appear in the position of a revolter against the regular Democratic organization, and I am not a revolter but only doing my duty as I see it. I have great respect and admiration and love and affection for the leadership of this House. That includes the Speaker, who I think is one of the greatest Americans in the country. That includes the very distinguished gentleman from Illinois, the majority leader, Mr. RAINEY, whom I love as I do my own father. [Laughter.] Do not laugh at that. My father is dead. When I speak the word "father" I speak it with a very great deal of reverence and respect. I would not let a man in this House harm a hair of HENRY RAINEY's head, and any man who undertakes to do that will have to answer to me for it. I do not want any more levity, because I am going to make you a serious speech, and when I get through I am going to tell you something I think this House ought to be told, and that applies to the membership and the leadership. Take this man called CHARLEY CRISP. I have not a better friend in the United States than CHARLEY CRISP. If it had not been for JACK GARNER, CHARLEY CRISP, HENRY T. RAINEY, BOB DOUGHTON, and other Democratic members of the Committee on Ways and Means, the ambition of my life would not have been realized and I would not have been placed on the greatest committee in this House, the Committee on Appropriations.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. JOHNSON of Oklahoma. Is this speech in answer to the one that the gentleman from North Carolina made yesterday?

Mr. ABERNETHY. No. I have not consulted with any of the leadership of this House. I think if I had followed their dictation and the dictation of my own delegation, I would not have made this speech, but I have been here long enough and have seen enough trouble in my lifetime to know a few things about humanity. I came up as the son of a Methodist preacher. I have seen the day when I was hungry. Now, will you all give me your attention, for I am going to speak until you do.

A MEMBER. Your time is running.

Mr. ABERNETHY. I do not care whether it runs or not and I do not care whether they give me any more time or not. If you do not want to hear this speech, all right. I have been here 10 years and I never have but in a few instances made a speech over 15 minutes until the other day, and I made one for an hour, and it has not been printed, and I doubt whether it ever will be printed. I owe this House this speech, I owe this leadership this speech, I owe the country this speech. I walked out of this House yesterday—and I want the attention of the press gallery up there and I want you boys to print this all over the country. There is one man sitting up in the press gallery whom I entertained down in the basement of this House, and he ate a whole barrel of my oysters; and yesterday, if he had not been afraid of it, he would have called me a fool for being against the sales tax, and maybe I am one. Now, print that, will you? I dare you to do it. And I am going to have some more oysters here in about 15 days, and you all come and eat your bellies full, and then print that.

I am eternally, everlastingly, world without end, against the sales tax. I went to Canada and studied it, and I came to the conclusion that it did not fit in under our form of government.

Now I am going to tell you something about BOB DOUGHTON, and he is going to object to it, and he is trembling in his shoes right now. He is going to say, "I wish you had not made that speech," but I will make it if you give me the time, and if you do not, I am going to continue to get time and make it. There is one Member of Congress—I wish he were here to-day—who has been here one term, who objected to my continuing my speech yesterday. He objected. If I wanted to be mean about it, he would never get an appropriation through the Appropriations Committee, but I am not mean.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. ABERNETHY. Mr. Speaker, I desire to proceed for 10 minutes more.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. WOLFENDEN. Mr. Speaker, I object.

Mr. EVANS of Montana. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Washington makes the point of order that there is no quorum present. The Chair will count.

Mr. JOHNSON of Washington (interrupting the count). Mr. Speaker, I withdraw the point of order of no quorum.

VACATING WITHDRAWAL OF PUBLIC LANDS UNDER THE RECLAMATION LAW

Mr. EVANS of Montana. Mr. Speaker, I call up the bill (H. R. 8087) authorizing the Secretary of the Interior to vacate withdrawals of public lands under the reclamation law, with reservation of rights, ways, and easements.

The SPEAKER. This bill is on the Union Calendar, and under the rules the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House automatically resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8087, with Mr. PARKER of Georgia in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That where public lands of the United States have been withdrawn for possible use for construction purposes under the Federal reclamation laws, and are known or believed to be valuable for minerals and would, if not so withdrawn, be subject to location and patent under the general mining laws, the Secretary of the Interior, when in his opinion the rights of the United States will not be prejudiced thereby, may, in his discretion, vacate such withdrawal, reserving such ways, rights, and easements over or to such lands as may be prescribed by him and as may be deemed necessary or appropriate, including the right to take and remove from such lands construction materials for use in the construction of irrigation works, and/or the said Secretary may require the execution of a contract by the intending locator or entryman as a condition precedent to the vesting of any rights in him, when in the opinion of the Secretary same may be necessary for the protection of the irrigation interests. Such reservations or contract rights may be in favor of the United States or irrigation concerns cooperating or contracting with the United States and operating in the vicinity of such lands. The Secretary may prescribe the form of such contract to be executed and acknowledged and recorded by any locator or entryman of such land before any rights in their favor attach thereto, and the locator or entryman executing such contract shall undertake such indemnifying covenants and shall grant such rights over such lands as in the opinion of the Secretary may be necessary for the protection of Federal or private irrigation in the vicinity. Notice of such reservation or of the necessity of executing such prescribed contract shall be filed in the General Land Office and in the appropriate local land office, and notations thereof shall be made upon the appropriate tract books, and any location or entry thereafter made upon or for such lands, and any patent therefor shall be subject to the terms of such contract and/or to such reserved ways, rights, or easements and such entry or patent may contain a reference thereto.

SEC. 2. The Secretary of the Interior may prescribe such rules and regulations as may be necessary to enable him to enforce the provisions of this act.

Mr. EVANS of Montana. Mr. Chairman, this bill permits the Secretary of the Interior to vacate withdrawals of lands withdrawn for reclamation purposes to a limited extent.

It has developed that when these reclamation projects started large tracts of land contiguous to the development were withdrawn from any sort of entry. The Secretary of the Interior informs the Public Lands Committee that in instances more land has been withdrawn than was actually necessary and that mineral has been discovered upon some of those lands. The Secretary is not willing that there be absolute vacation of any of those tracts, because we might need them in the future. He has now asked for this enactment, that a limited patent may be granted to people to make certain locations upon those lands, the Government reserving the right of easement over the lands and the right to use any necessary material, such as gravel or sand or stone or any other material in the lands that are granted in this limited patent to mineral claimants.

As far as I know, there are no such cases in my State. The bill does not come from me, although I introduced it. I introduced it at the instance of the Secretary of the Interior, who informs me that instances of that kind have arisen and that it would be an accommodation to the Interior Department in handling the matter if a limited patent could be granted to these people, the Secretary providing what the contract shall be and the party in effect giving a bond to comply with it, the Government reserving everything that it needs in the lands and the right to go upon and take it when it so desires.

I do not know of any opposition.

Mr. THATCHER. Will the gentleman yield?

Mr. EVANS of Montana. I yield.

Mr. THATCHER. Will the operation of this measure, if enacted, entail any special costs?

Mr. EVANS of Montana. None whatever. It would be some source of revenue to the Government and to the individual, but no outlay from the Treasury.

Mr. THATCHER. Does the operation have any effect of subtracting from the assets of the Government in the ownership of the lands?

Mr. EVANS of Montana. I think not. I think indeed it would enhance the value of the lands if somebody was making profitable use of them on a reclamation project.

Mr. THATCHER. Discretionary power is given to the Secretary of the Interior?

Mr. EVANS of Montana. He absolutely has control of it. He says what shall be granted and what shall not be granted. There can be no withdrawal unless it is all vacated. By this bill we are permitting partial, limited vacation.

Mr. TABER. Will the gentleman yield?

Mr. EVANS of Montana. I yield.

Mr. TABER. Is this land a part of reclamation projects?

Mr. EVANS of Montana. Yes; in a way it is. It is land belonging to the Government of the United States that has been withdrawn from entry because of a reclamation project being constructed in the vicinity of it. It is public land.

Mr. TABER. But is it land that is benefited by an irrigation project?

Mr. EVANS of Montana. I would not say the land is benefited, but in the judgment of the Secretary it was thought necessary to withdraw it from entry because they were going to construct a project; and from time to time it has been ascertained that if they did not withdraw enough land there would be some trouble by somebody making entries, and so we have withdrawn large tracts of land, oftentimes more than was needed. Now we are trying to vacate it in part.

Mr. TABER. Is it not land that, as a result of its withdrawal, was supposed to have been benefited by the reclamation project?

Mr. EVANS of Montana. Not at all.

Mr. TABER. And which now somebody can get a little cheaper without paying the cost of the reclamation project?

Mr. EVANS of Montana. I think the gentleman is certainly in error. It does not provide for the vacation of any agricultural land, but it provides that a man may come in and mine minerals found on that land and discovered after the withdrawal by the Government was made.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. EVANS of Montana. I yield.

Mr. SUMMERS of Washington. I happen to know of an instance where land was withdrawn for irrigation purposes, a large tract, and part of this tract, upon closer examination, proved to be standing at an angle of from 45 to 75 degrees, a bluff to a stream, wholly unsuited to irrigation under any and all conditions. This particular tract of land afterwards was desired for the development of a mineral spring, and, as I understand, this bill would take care of cases of that kind and that have nothing to do with irrigation, never can have, but in blocking a large area they included some land of this kind.

Mr. TABER. It would seem to me that if we open up a lot more land to entry at this time, we are doing something that is economically unsound; that there is no demand, either for the development of the mineral resources or anything else, at this time, that would justify us in reopening a lot of land of any kind for reentry. It seems as though it would make conditions worse rather than better. I would like to hear what the gentleman has to say about that.

Mr. EVANS of Montana. I will make this statement: I am not in accord with the gentleman's views that it is economically unsound. I think it is economically sound, if there is some land withdrawn from entry, to vacate that to the extent that it might be put to some economic use, some beneficial use.

This land is lying idle. It is not needed for the reclamation project. However, at some time the Government may want to go there and take off the gravel, take off the sand, or run a tramway across the land.

Mr. SMITH of Idaho. This bill simply extends the mining laws to these lands?

Mr. EVANS of Montana. That is the effect of it; yes.

Mr. ARENTZ. Will the gentleman yield?

Mr. EVANS of Montana. Yes.

Mr. ARENTZ. I will say for the benefit of the gentleman from New York that when the Boulder Dam project was contemplated, there was a great area of land withdrawn. Of this land I dare say there was not an acre that was susceptible of irrigation. It was withdrawn in order to protect the works. We did not know how far away from the dam site gravel was located. We did not know how far away we would have to exclude settlers for the purpose above stated as well as to isolate the area to prevent in a way conflicting interests. So hundreds of square miles were withdrawn. In this area of hundreds of square miles there are deposits of potash, borax, gold, silver, copper, lead, gravel, and building stone. There is no way in the world by which a man can go on that land now and locate a claim, locate a quarry, or locate a gravel pit unless such legislation as this is enacted into law. It is not reclamation land per se, because under the term "reclamation land" we assume the land is level enough so that it can be made perfectly level for irrigation and that it is close enough to water so that water can be put on it, but this land is not of that type. It is desert land, rough mountain land, but it is of some use for gravel and for mining purposes. That is the purpose of this bill; its purpose is not directed toward the Boulder Dam project, but it could be applied there to good advantage even after the gentleman from Nevada has succeeded in decreasing the reserved area at Boulder to a much smaller area than now exists.

Mr. TABER. Is there any reasonable demand for that type of land at this time?

Mr. ARENTZ. Not for this land but for the purposes enumerated; yes. There is a demand in certain sections.

For instance, I might refer to the Imperial Valley. They are building highways there; and everything except certain sections or little ridges included in this area, is sand. It would be a ridiculous proposition to haul sand from San Diego, for instance, or from some far point in Arizona, but under the law you can not lease the land for the securing of gravel without such legislation as this. I think this bill originated in the Department of the Interior with the idea of leasing these gravel pits for the construction of highways through the Imperial Valley.

I do not believe there is any other section of the United States in which there is a demand for it. Now, it seems to me that if you apply it to gravel you must apply it to mineral locations. It is logical that we should have the land not only for gold, silver, copper, lead, and zinc, but for all of these things; and surely if we apply it to gold, which we need at the present time, we can not foreclose the man who goes in there and finds deposits of lead and zinc which may, in fact, be found to contain gold.

Mr. TABER. But if he makes an entry, he can sell the gravel to these contractors for a big price, whereas the Government ought to get that revenue.

Mr. ARENTZ. Oh, no. The contract that will be entered into between the Government and the lessee will be to the effect that the Government will get a certain royalty and the price for the gravel will be reasonable. If it is not, of course, I would not be in favor of it.

Mr. GILBERT. Will the gentleman yield?

Mr. EVANS of Montana. I yield.

Mr. GILBERT. I gather from the colloquy that there is nothing in this bill which will add to the tillable farming area of the United States?

Mr. EVANS of Montana. Nothing at all.

Mr. GILBERT. We farmers are very much opposed, in view of the overproduction, to increasing, through irrigation or otherwise, the tillable areas of farming land in the United States.

Mr. EVANS of Montana. The purpose is to get more gold into circulation by mining.

Mr. STAFFORD. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. Is the gentleman from Wisconsin a member of the committee?

Mr. STAFFORD. No; I am not.

The CHAIRMAN. Is any member of the committee present who is opposed to the bill? If not, the Chair will recognize the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, I take this time largely to get further information as to the real operation of the reclamation law. Members of the Public Lands Committee are here in large numbers, and I wish to get some informative facts as to the reclamation law generally and as it is affected by this supposed relief act.

As I understand, when a reclamation project is opened to entry and entrymen secure their rights, they not only have title to the surface but they also have title to any mineral rights on the land they have entered.

Mr. SMITH of Idaho. No land is opened for entry for homestead purposes that has known minerals in it; but if a patent is issued and minerals are discovered later, they go with the land.

Mr. STAFFORD. I am taking the supposititious case of an irrigation project having been determined upon, whereupon certain land is withdrawn. The land is entered, and when an entryman gets the full rights for his specific 40, 80, or whatever acres it may be, does he secure only the surface rights or does he secure the rights to the mineral deposits?

Mr. SMITH of Idaho. The land has been classified as nonmineral. A homestead entryman complies with the law and receives his patent. When his patent is issued he has not only the surface rights but the right to any minerals that may be later discovered.

Mr. STAFFORD. Are there not instances where land may be suitable for irrigation purposes and yet be mineral in character?

Mr. EVANS of Montana. I should think such a case is conceivable. I think, however, it does not apply to this situation if the settlers on this land are taking what is commonly known as agricultural, nonmineral land. The lands we are trying to get at are probably the lands close to a dam in a mountain canyon not subject at all to agricultural development, but land that has some mineral in it.

Mr. STAFFORD. I have examined the original act, and I wish to be corrected by those persons who are far better acquainted with the operations of the reclamation law than I pretend to be, and that is the act which this bill seeks to amend, that of June 17, 1902. I find nothing in this act which reserves any mineral rights so far as any of the projects that may be opened under the reclamation act are concerned. Am I correct in that position?

Mr. SMITH of Idaho. The gentleman is correct, as only agricultural land is set aside for farming by irrigation.

Mr. STAFFORD. Here is the difficulty I have as to the need for this law. The bill seeks to amend section 3 of the organic act relating to reclamation. Section 3 of that act gives this authority to the Secretary of the Interior:

SEC. 3. That the Secretary of the Interior shall, before giving the public notice provided for in section 4 of this act, withdraw from public entry the lands required for any irrigation works contemplated under the provisions of this act and shall restore to public entry any of the lands so withdrawn when, in his judgment, such lands are not required for the purposes of this act.

Mr. ARENTZ. Will the gentleman yield right at that point?

Mr. STAFFORD. In one minute I will yield to the gentleman.

There you have full authority vested in the Secretary of the Interior over these lands that he has withdrawn for the purpose of building irrigation projects to restore them to public entry. Now, you seek to supplement that authority by allowing him to still retain the lands and not restore them to public entry. If they were restored to public entry, I will ask the gentleman from Nevada or the gentleman from Idaho, would they not then be subject to the mining laws of the country?

Mr. SMITH of Idaho. Yes; they would, if they were restored to public entry.

Mr. STAFFORD. Then I am right in my contention.

I now yield to the gentleman from Nevada.

Mr. ARENTZ. In the discretion of the Secretary of the Interior he can retain certain lands adjacent to a reclamation project; and when I say "reclamation project," I mean the lands that are susceptible of irrigation. Always outside of that area there is marginal land which is not susceptible of irrigation, and beyond that also there is a protecting area which may entirely surround the area.

Mr. EVANS of Montana. Ofttimes for flood purposes.

Mr. ARENTZ. Yes; and ofttimes for pasture, for protection purposes, or for town sites, and ofttimes just merely for the sake of preventing the lands immediately surrounding being considered natural domain on which livestock can range, in order to protect the settlers in that particular area. Now, they have gone farther than that, and the gentleman from Idaho [Mr. FRENCH] brought in a bill which was passed providing for protection of the watershed adjacent to reservoir sites so that, in grazing, that area will not be a menace to the reservoir, in that the flood waters may bring down silt. Would the gentleman call that "irrigation land" up there on the hillsides used as a public range?

Mr. STAFFORD. No.

Mr. ARENTZ. I would not, either.

Mr. STAFFORD. Those lands are not needed for the reclamation project.

Mr. ARENTZ. That is exactly what I am bringing out. In the discretion of the Secretary of the Interior he can have acreage adjacent to the reclamation project classified, and he can wait 40 years before he classifies it, and put it back under the public domain. You take the Imperial Valley, the gentleman from New York knows perfectly about that, and you take from the Colorado River clear over to the Coast Range and running from the Mexican border to

Coachello Valley—nearly all that land at the present time is withdrawn for irrigation purposes. How much will ultimately be retained under the reservation? Very likely two-thirds or three-fourths of it; but they do not know where the all-American canal is going, they do not know where certain protection works along the river are going to be located, and so they have withdrawn all of it. I do not know how many square miles there are in that area, but I guess there are thousands, and within that area there are gravel pits, and across that area there are highways to be constructed. The gravel bars are of such a nature and located in such a way that it is necessary that they be used in the economical construction of the highways and used for other purposes, possibly for irrigation works, but under the law that gravel pit can not be used except by the Government. The proposal of this bill is to permit the leasing of these gravel pits to the contractor who is going to build the highway; and if I have not made the picture clear, I do not know how to make it clear.

Mr. STAFFORD. As I glean from the exposition of the gentleman from Nevada, it seems that you are vesting in the Secretary of the Interior authority for him to go into the gravel and lumber business.

That instead of carrying out the provisions of the original act, when land is no longer needed for irrigation purposes, he is to reopen them to public entry, you are permitting the Secretary of the Interior to say, "No; I will keep that land and go into the gravel and lumber business under such terms as I think reasonable for road construction." Am I in error in that construction?

Mr. EVANS of Montana. The gentleman is in error. The Secretary of the Interior, under the present law, can vacate the land now. We want him to vacate certain rights and retain certain other rights.

Mr. STAFFORD. To go into the business of selling gravel and selling timber.

Mr. EVANS of Montana. This is not the intention for the Government to sell, it is the right to transport the gravel——

Mr. STAFFORD. Then I misunderstood the gentleman from Nevada. I understood him to say that the Secretary of the Interior wanted the right to retain the gravel in the pits and the timber for construction of roads and public highways that would later be developed. Am I right or wrong?

Mr. ARENTZ. I do not think the gentleman from Wisconsin explains it in the right light. The bill is specific. Some of the territory within the irrigation reservation contains certain things. Under the present law, they can go on the land only for the purposes of locating a homestead or putting water on it. Now, the land is not susceptible of such location; you can not locate on it and you can not put water on it.

Mr. STAFFORD. The gentleman will not deny that under the original act the Secretary of the Interior has authority to open the land to public entry.

Mr. ARENTZ. Public entry for what purpose?

Mr. STAFFORD. Mineral rights and surface rights.

Mr. ARENTZ. The land was reserved for a specific purpose in the interest of reclamation projects.

Mr. STAFFORD. Let me read the original act, the organic act.

He shall restore to public entry any of the land so withdrawn when in his judgment such lands are required for the purposes of this act.

Mr. ARENTZ. The gentleman knows that you can not draw a circle around the provisions made for any discretion lodged in the Secretary of the Interior. In other words, it is law by regulation.

Mr. STAFFORD. And that is what you are trying to do here; you are attempting to make law by regulation. The original law states that the lands no longer needed shall be open to public entry, and all the public then has the same right to them.

Mr. ARENTZ. Does it say anything about six months or two years?

Mr. STAFFORD. No; they have the right at any time.

Mr. ARENTZ. And there you are.

Mr. TABER. Will the gentleman yield for a question?

Mr. STAFFORD. I yield to the gentleman from New York.

Mr. TABER. I understand that because of the freedom with which our mineral resources are being wasted, the President of the United States has recently appointed a commission headed by former Secretary of the Interior Mr. Garfield, to see what steps ought to be taken to preserve the Government's rights in its public domain. Does the gentleman know whether that commission has considered this measure and given it its approval?

Mr. STAFFORD. Mr. Chairman, in reply to the gentleman's query——

Mr. SWING. Mr. Chairman, will the gentleman yield on that?

Mr. STAFFORD. No. The gentleman from New York addressed a question to me. I know that the gentleman from California is all-wise about public lands; but permit me just for a moment.

Mr. SWING. I thank the gentleman for the compliment he pays me, which is somewhat higher, probably, than I deserve.

Mr. TABER. It would seem that proper steps ought to be taken to protect the Government's public lands, and I am wondering if the gentleman knows whether or not the approval of that commission has been granted to such a measure as this.

Mr. STAFFORD. The gentleman has subordinated his great knowledge in such a humble way that I am glad now to yield to the gentleman from California [Mr. SWING] to reply to the gentleman from New York.

Mr. SWING. Mr. Chairman, the answer to the gentleman's query is that there is no such commission. I think the inquiry was not prompted for the purpose of securing information but was for the purpose of consuming time.

Mr. TABER. Does the gentleman mean that it is improper for us to find out what the bills are about before they are passed? It looks to me as if that is the gentleman's attitude, instead of having in mind the public interest. I think before we pass important bills of this character we ought to protect the interest of the public.

Mr. STAFFORD. Along that line, I want to inquire how many acres of land this bill will affect? I had that noted when I examined the bill on the Consent Calendar. I thought it was too important to be taken up on the Consent Calendar.

Mr. EATON of Colorado. Mr. Chairman, I would like very much to reply to the query of the gentleman from New York.

Mr. STAFFORD. Then I withdraw my question temporarily and allow the gentleman to reply to the gentleman from New York.

Mr. EATON of Colorado. Perhaps the gentleman from New York is not interested in an answer to his question.

Mr. TABER. Oh, I am.

Mr. STAFFORD. The gentleman from Colorado is coming to the relief of the gentleman from California, and I yield for that purpose.

Mr. EATON of Colorado. In the hearings before the Public Lands Committee of the House, that exact question was asked of Mr. Wilson, of New Mexico, who followed ex-Secretary of the Interior Garfield in explaining the commission's report and a pending bill. If his statement can be construed as the expression of the Garfield Commission, it is that such matters as are covered by this bill, namely, sand, gravel, and building stone, were included in the considerations of their commission, and it was intended that hereafter those should be known as minerals. This bill just adds to the present existing law such things as may be included in the words "construction materials" for the construction of irrigation works. Everything else in the bill in the preceding lines 1 to 5 on page 2 is in the present law. When withdrawal is made for construction purposes under the Federal reclamation laws and the land goes back and

is opened for location, whether mineral or any other, and a patent is written, it is written with reservation of rights of way and easements under present law. This bill adds the right to the removal of construction materials from the land for use in the construction of irrigation works. Since the gentleman wanted to know what the Garfield Commission thought about extending the power of the Secretary of the Interior, I thought he was entitled to an answer.

Mr. TABER. That is just what I wanted to know.

Mr. STAFFORD. I again repeat the question. I really wish to know how many acres will be affected by this bill, if it is enacted into law?

Mr. EVANS of Montana. I do not know, to be frank with the gentleman. The bill was prepared by the Interior Department. In the consideration of it we sent for Judge Finney, one of the attorneys of the Interior Department, and asked him that question, among others. He said two or three cases had arisen in California where it seemed desirable that these people be permitted to occupy the land in a dual way—to mine it, the Government still controlling the title to some degree—and we asked how many acres, how many cases there were, and he said that he knew of two cases in California. A mining claim could not, under the law, exceed 20 acres. So far as Judge Finney knew, there were probably 40 acres.

Mr. STAFFORD. Then, the gentleman from Nevada is pursuing a red-herring trail when he says this will likely increase the gold production. If it is applicable to only 40 acres, even though the 40 acres were in the district of the gentleman from California, it will hardly increase the gold production.

Mr. EVANS of Montana. It is probably very rich land if it is in that district.

Mr. STAFFORD. Rich on the surface or the subsurface?

Mr. EVANS of Montana. The subsurface.

Mr. STAFFORD. Their riches I think are only on the surface, so far as California is concerned. If there are only 40 acres, then this is a minor bill, and I regret to say that the gentleman from Nevada [Mr. ARENTZ] must have the wrong slant in thinking the bill if passed would increase the gold production or even the silver production of the country. I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I crave the indulgence of my colleagues for a few minutes, which I shall use in an attempt to right a wrong that has been done one of our distinguished colleagues.

I do not believe there is a man in this House who is more earnest, more sincere, more faithful, more loyal, and more patriotic than our friend the gentleman from New York [Mr. LAGUARDIA]. [Applause.] I think it is an outrage on justice and decency for any great newspaper in the United States like the Chicago Tribune to malign him, as was done by it editorially on Monday.

I was in this House in April, 1917, when war was declared. The gentleman from New York patriotically voted for every measure requested by President Wilson. Immediately after voting for the war risk insurance act and other matters that were necessary in order to carry on that war, I saw the gentleman from New York [Mr. LAGUARDIA] appear in his uniform and tell us good-by, and then leave immediately for the battle front. He remained in the service until after the armistice. He was decorated with the war cross and made a knight commander of the Crown of Italy for his valiant service.

He gave up his high position in this House when he did not know that it would be held for him.

When this Chicago Tribune last Monday said that he was "an alien in mind and spirit from Americanism," it did not speak the truth. Our friend, Major LAGUARDIA, was born in the city of New York. He was raised in the State of Arizona. His father gave loyal, faithful service to our flag as a soldier in our United States Army for more than 20 years, and finally gave up his life by reason of disability suffered from that service. The gentleman from New York [Mr. LAGUARDIA] when war was declared, gave us his honored place in this House and risked his life for his country and his flag [applause], and it is not true or right for a great newspaper to malign him and say that he is an alien in mind and spirit from Americanism.

This paper went further than that. It said that Mr. LAGUARDIA "has no loyalty to our form of government." That is not true. What greater loyalty could he have displayed than risking his life for his country? On foreign battle fields his life was in danger many times.

I have disagreed with the gentleman from New York on some subjects. I have disagreed with him on the question of prohibition, very vitally. That is a fundamental disagreement between us. He is a constitutional wet and I am a fundamental dry. When he is fighting against prohibition he is a king in the eyes of the great Chicago Tribune. The Chicago Tribune then has nothing but eulogy and encomium for him when he is fighting for the wet cause. I have crossed swords with him many times on that subject. I have crossed swords with him on this floor on other subjects. He is the author of the LaGuardia anti-injunction bill he recently passed in the House, and I was one of the 13 Members who voted against it, and I fought it from this floor. But I want to say that I consider Major LAGUARDIA honest, sincere, patriotic, and fearless, even though I differ with him on some vital issues, and I deem it an honor to serve with him. I have fought many battles with him, shoulder to shoulder, for the people here.

Mr. SPARKS. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SPARKS. Is it not a fact that when he is fighting the fight of the common people of this country is when this newspaper says he is an alien?

Mr. BLANTON. That is true. The gentleman correctly answers his own question. It is only when Major LAGUARDIA is fighting a fight against special privilege and in behalf of all the people that the Chicago Tribune tries to crucify him. It is not right. I want my friends to remember this, too, that when a proposed contract was brought in on this floor which would have given away Muscle Shoals to one of the multimillionaires of this country, Major LAGUARDIA led the fight that prevented it. I have been told that a big lawyer received $100,000 for drawing that contract and trying to lobby it through Congress. That was the first Muscle Shoals contract that was brought before us for ratification, away back about 10 years ago. It was Mr. LAGUARDIA who stood up here and led the fight against giving away Muscle Shoals. I followed him then. I worked with him. He is a good worker. He works effectively. I considered it an honor to serve with him then in his fight. I am willing to follow any sincere Member when he is right. There were just a handful of Members here who followed him then, and we were outvoted, as usual. We had the steam roller run over us, and the bill passed here by an overwhelming vote, but the fight that was started here, led by Major LAGUARDIA, was taken up in the Senate, and that bill did not become a law, and Muscle Shoals, now the greatest power plant on earth, has been saved to the people of the United States. It was Major LAGUARDIA's fight that helped to save it.

I wish to say that notwithstanding he is a fundamental wet, I do not believe there is a more valuable man in this House than Major LAGUARDIA. I am his friend. I will go to the mat for him at any time when he is unjustly attacked. I get after him about his wet views, and his hog-tying the peoples' courts with anti-injunction bills, but I will not let any newspaper or anybody question his sincerity or loyalty or patriotism.

This paper further said about him that "he shows every indication that he is willing to destroy our Government." That is untrue. That charge is wholly without foundation.

What has there been about the loyal, patriotic, faithful service of Major LAGUARDIA in this House and for his country abroad that shows "an indication to be willing to destroy his Government"? That is outrageous. It is untrue. It is unfair. It is unjust. It ought not to stand unchallenged.

Mr. BACON. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. BACON. Will the gentleman please name the paper?

Mr. BLANTON. It was the great Chicago Tribune.

Mr. BACON. I wanted to make it clear that it was not a New York City paper.

Mr. BLANTON. Why, certainly not. Certainly not. There is not a paper in New York that would question his loyalty or patriotism. Not even William Randolph Hearst, who is trying to put this sales tax over, would permit any of his papers to question Major LAGUARDIA's honesty or patriotism. He has held many positions of honor and trust, both in New York and for the Government, and has always proven true and faithful. [Applause.]

To show how Major LAGUARDIA is respected and esteemed in the Nation's Capital I will mention that the Washington Post has a section where it mentions citizens it deems worthy of note, headed "Post Gallery of Notables." Under it is carried the photograph of certain citizens of national note, with a brief write-up of their service. In this Washington Post this morning it carries none other than Major LAGUARDIA, and under said heading in large type, "Post Gallery of Notables," appears a splendid picture of our distinguished colleague from New York, and just below appears the following:

REPRESENTATIVE FIORELLO H. LAGUARDIA

Stocky, swarthy, dynamic, Representative FIORELLO H. LAGUARDIA (Republican), of New York, who has been in the national spotlight recently because of his fight against the sales tax, is one of the best fighters in the House, because he is convincing and fights good-humoredly enough but with vim and sticks with his fight.

But fighting parliamentary battles is merely the present phase of his scrappiness. He was an American aviator in the World War and commanded the American flying force on the Italian front, for which service he was decorated with the war cross and was made a knight commander of the Crown of Italy.

When the United States entered the World War Mr. LAGUARDIA was a Member of the House of Representatives. Fearful that some official effort might be made to stop him entering the Army he sneaked away and was in the Army and on the high seas before his colleagues were aware of the reason for his absence from the House. He didn't even tell the recruiting officers he was a Member of Congress; neither did he resign, because he was afraid that might start complications. He just went to war and when he came back with the rank of major his seat was waiting for him.

Mr. LAGUARDIA was born in New York City on December 11, 1882. He attended high school in Prescott, Ariz., returned to New York, won his law degree, and entered the Consular Service. Returning, he became an interpreter at Ellis Island. He began to practice law in 1910 and was named deputy attorney general in 1915. He was elected to the Sixty-fifth and Sixty-sixth Congresses. He was president of the board of aldermen, candidate for mayor, and generally active in politics, returning to Congress in 1923. He has been reelected each time since. (J. B. McD.)

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. LANKFORD].

Mr. LANKFORD of Virginia. Mr. Chairman, the gentleman from Texas has just been speaking about one distinguished veteran of this House. I want to take just two or three minutes to call your attention to a matter affecting all veterans which I do not believe you know about. I was very much surprised when I heard about it, and I want to bring it to your attention. I hope some of the members of the Veterans' Committee are here, because I expect it is new to them.

I have learned that the Veterans' Bureau is to-day charging veterans 6 per cent who have made loans through banks as distinguished from loans made through the Veterans' Bureau. I did not know it until a day or two ago, but that is what is happening, and I do not believe all of the veterans know it as yet.

Mr. RANKIN. Will the gentleman yield?

Mr. LANKFORD of Virginia. Yes.

Mr. RANKIN. In other words, banks are charging 6 per cent.

Mr. LANKFORD of Virginia. No. That is the point I want to make. The banks all over this country were asked to help the veterans out when this first loan was made. They were asked to help them discount their certificates and in that way get the money into circulation. I find the bureau is now taking the position that all of those loans which were discounted by the banks and then sent to the bureau are discounted at the rate of 6 per cent, whereas the banks only charged them 4½ per cent. However, when the loans made by the banks are sent to the Veterans' Bureau the veterans are then charged 6 per cent, and that is the difference which is made between loans made to veterans through banks and loans made direct through the bureau.

Mr. RANKIN. In other words, the banks do not get 6 per cent.

Mr. LANKFORD of Virginia. No. This is unfair to the banks, and they can not explain it to the veterans. As I have said, the banks all over the country were asked to help these boys by making these loans, and when they made the loans they received 4½ per cent, but when they send the loans to the Veterans' Bureau the bureau charges the veterans 6 per cent. I believe that should be corrected.

Mr. RANKIN. The gentleman is referring to adjusted-service certificates?

Mr. LANKFORD of Virginia. Yes.

Mr. RANKIN. Let me say to the gentleman from Virginia that that legislation does not come to the Veterans' Committee but goes to the Ways and Means Committee, the same committee that has brought out a sales tax.

Mr. LANKFORD of Virginia. I am glad to have that correction, and I would like the Ways and Means Committee to know about this, because I do not believe it is generally known. Here is a letter from the bureau which explains the situation:

WASHINGTON, *March 1, 1932.*

NORFOLK NATIONAL BANK OF COMMERCE & TRUSTS,
Norfolk, Va.

DEAR SIRS: Receipt is acknowledged of your letter of February 18, 1932, transmitting copy of a letter from your bank addressed to this administration dated January 28, 1932. A thorough search fails to disclose the receipt of the original letter dated January 28, 1932, by this administration.

With reference to the notices forwarded to the veterans advising them of the redemption of their certificates by the Veterans' Administration and stating that interest will accrue on the amount paid the bank at the rate of 6 per cent per annum, compounded annually until paid, you are informed that in accordance with the provisions of section 502 (c) of the World War adjusted compensation act interest at the rate of 6 per cent per annum, compounded annually, is authorized on the amount paid the bank when certificates are redeemed by the Veterans' Administration. This provision of the act was not affected by the amendment February 27, 1931.

Under the provisions of the act as amended February 27, 1931, the veterans may obtain further loans on the security of their adjusted-service certificates from this administration for an amount not exceeding 50 per cent of the face value, provided there is an amount of $2 or more available after the amount paid the bank plus accrued interest has been deducted. The rate of interest charged on these loans is governed by the Federal reserve rate in effect in the fourth Federal reserve district, but in no case may exceed 4½ per cent compounded annually.

If the veterans are entitled to a further loan, note (Form 1185), a copy of which is inclosed, should be properly executed and forwarded to the Veterans' Administration, certificate accounts division, Arlington Building, Washington, D. C., for consideration.

In the event the veterans are not entitled to an additional loan from this administration interest will be charged as stated in the second paragraph of this letter.

Respectfully,

M. COLLINS,
Director of Finance.

I have a letter from Mr. John S. Alfriend, cashier of the Norfolk National Bank of Commerce & Trusts, bringing this to my attention. The letter reads as follows:

NORFOLK, VA., *March 4, 1932.*

Hon. MENALCUS LANKFORD,
House of Representatives, Washington, D. C.

DEAR MR. LANKFORD: I am inclosing copies of letters in regard to loans secured by adjusted-service certificates. It seems to me that the Veterans' Administration is taking an unfair advantage of veterans who borrowed through banks at 4½ per cent, as permitted under the World War adjusted compensation act, and are now being penalized to the extent of 1½ per cent because their applications for loans were not originally placed with the Government administration.

If the Veterans' Administration has correctly interpreted the act, then I am of the opinion that this should be amended, inasmuch as, due to the tightening of credit, a large number of veterans' loans are being forwarded to Washington for redemption by the various banks in which the loans were originally made. Neither the veterans nor the banks were advised as to this peculiarity in the act, and I personally believe that the matter was completely overlooked at the time the amendment was put into effect.

Harold Masengill informs me that he will see you over the week-end and will at that time go more fully into the matter with you.

You will readily understand that if interest is to accrue on these veterans' notes at the rate of 6 per cent the remaining one-half due the veterans will be dissipated in one-fourth less time than those veterans who were fortunate enough to have made their original loans direct with the bureau.

With kind personal regards, I am,

Yours very truly,

JOHN S. ALFRIEND, *Cashier.*

I simply want to say this is unfair to the banks, because they did not know it. They are being criticized by the veterans who have made loans through the banks, and the veterans are just beginning to understand it. They are being charged 6 per cent when they should be charged only 4½ per cent. It seems to me some way should be devised, either by the committee or by the bureau, to prevent this additional charge of 6 per cent, which will eat up these certificates in a very short time.

Mr. SWICK. Will the gentleman yield?

Mr. LANKFORD of Virginia. Yes.

Mr. SWICK. Does the gentleman feel it is fair to charge even 4½ per cent to these veterans?

Mr. LANKFORD of Virginia. That can not be changed now, and I am not discussing the 4½ per cent at the present time. However, at some future time that might be corrected, and I hope it will be. That is not the question now.

Mr. SWING. Mr. Chairman, I want to make a point of order for the purpose of making a parliamentary inquiry. On Calendar Wednesday, as I understand, under the rules of the House general debate does not mean debate on general subjects, unassociated with the legislation presented to the House for consideration. The purpose of Calendar Wednesday is to permit the standing committees to bring to this House for discussion and action legislation which they believe should be enacted into law. General debate, under the rules relating to Calendar Wednesday, must be confined to the bill. I did not desire to take the gentleman off the floor, but I shall hereafter feel compelled to ask that the rules be observed.

Mr. LANKFORD of Virginia. Knowing the interest of the gentleman in the veterans and veterans' relief, I am sure he would not object. Mr. Chairman, I yield back the balance of my time.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman, I do not know that I shall take all of the five minutes; but as I read the report of the committee that accompanies this legislation, I noticed one point in it which always challenges my interest, and I am taking just a minute or two in order that I may have this particular matter cleared up.

I think those who have noted the attitude I have taken on reclamation projects know that whenever I see the word "reclamation" or the word "irrigation" in any new bill I naturally have my attention attracted to it. Because of that fact I want to direct an inquiry or two to those in charge of this bill.

Upon its face this seems to be a bill that has to do with mineral lands, but as you read the report—a major part of it; that upon section 3—the bill seems to have more to do with the materials that are to be used or possibly secured from these lands to be used in connection with reclamation projects and irrigation projects than it really has to do with minerals themselves. I am using this minute or two to ask for an explanation on that particular point. I think we are entitled to an absolutely frank and fair statement from those in charge of the bill as to the part that particular feature has in connection with this bill. I am sure there are distinguished engineers and others here who can give us the light needed on this particular point, and I will be glad to hear from the chairman of the committee.

Mr. EVANS of Montana. I do not quite grasp what it is the gentleman desires.

Mr. KETCHAM. If the gentleman will direct his attention to page 2 of the report, he will find that the major portion of that paragraph deals with a discussion of the question of how these materials upon these lands may be used for construction on reclamation projects and irrigation projects and the like. I just want to know what is really back of all this proposition, whether in its major aspects it is really what it purports to be on its face, or whether there is some great scheme back in the mind of somebody looking toward some great irrigation or reclamation project that is going to be launched in the future. If the latter is the object, I think the gentleman knows what my attitude would be on the bill, and I would not be disposed to let it go through without resorting to every parliamentary means in my power to prevent it.

Mr. EVANS of Montana. I think, perhaps, the gentleman's attitude and the chairman's attitude would be the same on that proposition.

Mr. KETCHAM. I am glad to know that.

Mr. EVANS of Montana. I personally never heard of this bill until it came to the committee. I read it, and we then sent for Judge Finney, of the Interior Department, and asked him who drew the bill, why the bill was drawn, and somebody asked him, "Now, Judge, tell us what is back of it." We put it in just that language. He said:

There are two cases from California where mineral has been discovered on land that has been withdrawn for reclamation purposes. They want to mine the mineral. They can not do it while it is in withdrawal. We do not want to vacate it entirely, but we are willing to vacate it partially. We want to reserve the right to take gravel off of that ground and we want to reserve the right to run a tramway over it and we want to reserve the right to take sand from it for our purposes in connection with this dam; in other words, we think the Government and the mining locator, if permitted, could make a dual use of this land to the benefit of the man and perhaps with no disadvantage to the Government.

Mr. KETCHAM. If he will permit, the gentleman has just indicated the suggestion that will answer my possible objection to the bill. While this bill is properly drawn in very general terms, do I understand that in reality its operation will be limited to just one particular situation?

Mr. EVANS of Montana. That is my understanding, and I get the understanding from Judge Finney and from the report of the Secretary of the Interior, which is all the information I have.

Mr. KETCHAM. If it has application only to one little situation, I would have no particular objection, but the bill is drawn in general terms.

Mr. EVANS of Montana. I have confidence in the information I have received and I am sure that is the case.

The Clerk read the bill, with the following committee amendments:

Page 2, line 1, strike out the words "vacate such withdrawal" and insert in lieu thereof "open the land to location, entry, and patent under the general mining laws."

Page 2, line 16, after the word "contract," strike out the word "to" and insert the words "which shall."

Page 2, line 17, after the word "recorded," insert the words "in the county records and United States local land office."

Page 3, line 6, after the word "patent," strike out the word "may" and insert the word "shall."

The committee amendments were agreed to.

Mr. EATON of Colorado. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee whether it is understood that this bill applies only to that particular type of public land that has been withdrawn from "possible use for construction purposes under the Federal reclamation laws"? These are the words of lines 3 and 4, on page 1 of the bill, but I would like to have accentuated in the RECORD, if that is the fact, that this bill applies only to that particular type of public land and not to any other of the public lands withdrawn for many other purposes, such as oil, gas, oil shale, for survey, and a number of other purposes.

Mr. EVANS of Montana. My understanding is that just those lands withdrawn for construction purposes are affected, and I gathered that understanding from a rather minute inquisition of Judge Finney, who drew the bill and represented to us that two or three California cases demanded this sort of legislation.

Mr. EATON of Colorado. And are the lands to which this bill particularly applies in the Boulder Dam area?

Mr. EVANS of Montana. He spoke of two California cases as the only cases he knew of.

Mr. ARENTZ. If the gentleman will permit, I want to say that if it is contemplated to do this in the Boulder Dam area I am going to request the Congress to cut that Boulder Dam area down to the very limits of what is needed, because we have some very fine mineral territory in there that I want the prospectors to have unlimited rights on, and I do not want it curtailed as this bill curtails it.

Mr. STAFFORD. Will the gentleman yield?

Mr. EATON of Colorado. Yes.

Mr. STAFFORD. Does not this bill give that right to the Secretary of the Interior?

Mr. ARENTZ. Of course, it does.

Mr. STAFFORD. Now is the time to curtail his power if the gentleman is fearful of the exercise of such power.

Mr. ARENTZ. This bill can not shrink that area in any way. That is what I am talking about. I am talking about the area that is so broad now that it takes in a tremendous area. I am not referring to this bill; I am talking about the reserved area for reclamation.

Mr. STAFFORD. Is not the area the gentleman refers to withdrawn for construction purposes?

Mr. ARENTZ. Yes; but it is so broad that it covers a great deal of other territory that will never be needed.

Mr. STAFFORD. So this bill is drawn with a very broad purpose to cover that identic case?

Mr. ARENTZ. For instance, they do not know where the aqueduct is going to go to take the water out of Boulder Canyon. It may be taken out 100 miles below or it may come right to the reservoir; we do not know. We do not know where the power line is going. For that reason the Secretary says we must retain all this area until we find out where these conduits and so on are going to go, with the result that I can only say now, hasten the day when the actual location is decided upon so that we can determine when we want to shrink this area.

Mr. STAFFORD. If the bill is passed, the Secretary of the Interior will have the right to restore land not needed for public entry.

Mr. ARENTZ. Everywhere; yes.

Mr. STAFFORD. Then the gentleman's fears are not well founded.

Mr. EVANS of Montana. Mr. Chairman, I move that the committee do now rise and report the bill, with amendments, to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARKER of Georgia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8087) authorizing the Secretary of the Interior to vacate withdrawals of public lands under the reclamation law with reservation of rights, ways, and easements, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. EVANS of Montana. Mr. Speaker, I move the previous question on the bill to final passage.

Mr. TABER. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from New York makes the point that no quorum is present. Evidently there is no quorum present.

Mr. EVANS of Montana. Mr. Speaker, I move a call of the House.

The motion was agreed to; accordingly the doors were closed, the Sergeant at Arms directed to notify absent Members, and the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 32]

Abernethy	Bloom	Chindblom	Crisp
Aldrich	Boland	Clague	Crowe
Allen	Brand, Ohio	Clarke, N. Y.	Curry
Amlie	Britten	Cole, Md.	Davenport
Bacharach	Byrns	Collier	De Priest
Beam	Cavicchia	Connery	Douglass, Mass.
Beck	Chapman	Cooper, Ohio	Doutrich
Driver	Horr	Lewis	Selvig
Eaton, N. J.	Houston	Linthicum	Smith, Va.
Evans, Calif.	Igoe	McClintic, Okla.	Steagall
Finley	James	McDuffie	Strong, Pa.
Fish	Jenkins	McLaughlin	Sullivan, Pa.
Flannagan	Johnson, Ill.	Martin, Oreg.	Tinkham
Foss	Johnson, Wash.	Nelson, Wis.	Treadway
Freeman	Karch	Polk	Tucker
Gambrill	Kelly, Ill.	Pratt, Harcourt J.	Underhill
Golder	Kelly, Pa.	Pratt, Ruth	Watson
Goldsborough	Kendall	Purnell	Williamson
Greenwood	Kerr	Ramspeck	Withrow
Griffin	Kleberg	Rayburn	Woodrum
Hancock, N. C.	Kurtz	Reid, Ill.	
Hawley	Lea	Rogers, N. H.	
Hogg, W. Va.	Lehlbach	Sabath	

The SPEAKER. Three hundred and forty-three Members have answered to their names; a quorum is present.

Mr. EVANS of Montana. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from Montana moves the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EVANS of Montana, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent to proceed out of order for two minutes.

The SPEAKER. The gentleman from Montana asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. EVANS of Montana. Mr. Speaker, this is Calendar Wednesday and the Public Lands Committee has the call. We have on our tentative calendar six or seven bills. We have now put in two and a half hours on one bill, against which there was apparently no serious opposition. No amendment was offered and no vote cast against it. It is manifest that there is some serious opposition to some bill on the calendar of the Public Lands Committee. A filibuster has been going on for two hours. I am told privately that the opposition is to the Florida Everglades bill. I do not speak advisedly, but I have reached the conclusion that if that bill is taken up no other bill on the committee's calendar will be reached.

In the interest of expeditious legislation for the Public Lands Committee, we have had a little meeting here and discussed the matter with the author of the bill, Mrs. OWEN, the lady from Florida, and Mrs. OWEN has generously authorized me to say that if that bill is standing in the way of expeditious legislation, I had her consent to say that that bill would not be called up to-day. I therefore make that statement for the benefit of the House, in the hope that we can proceed expeditiously on the other bills on the calendar. [Applause.]

THE TARIFF ON OIL

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, the present revenue bill, H. R. 10236, was introduced in response to the President's urgent message for the speedy passage of a bill to provide revenue. The urgency of the situation with respect to the unbalanced Budget caused the consideration of such legislation.

It is admitted on all sides that this is not a tariff measure. At the hearings before the Ways and Means Committee our distinguished colleague [Mr. CRISP], the acting chairman, stated that the task before the committee was a "most unpleasant duty," namely, to provide "taxes to produce sufficient revenue" to meet the deficit for 1933. There is thus

no doubt as to the purpose of the bill, both from the message of the President and from the understanding of the committee itself. It would seem reasonable to expect that no proposal for a tax would be included in the bill unless it was for the purpose of producing revenue, the extent and amount of which could be reasonably estimated on the basis of past experience. The inclusion of the proposed tariff of 1 cent per gallon on imported petroleum and its products in a nontariff measure is therefore wrong in principle.

II. ONLY A NEGLIGIBLE AMOUNT OF REVENUE, IF ANY, CAN BE EXPECTED FROM THE PROPOSED TARIFF ON IMPORTED OIL

With a view of determining, if possible, what revenue might reasonably be expected, inquiry was made of the Secretary of the Treasury for information in that respect. The reply of Secretary Mills was as follows:

> In the opinion of experts of the Department of Commerce, such a tax would yield no revenue, since the levy which would be added to the import price exceeds the margin of advantage on which oil is imported to this country and therefore would exclude the products affected.

It thus appeared, on reliable information, that no revenue could be expected from such a tax.

After the receipt of this information it seems that the committee itself estimated an expected income of $5,000,000. This was no doubt based on the amount of gasoline imported in 1931, to wit, about 546,000,000 gallons, and upon the assumption that imports would continue at the same rate in spite of the proposed tax. It thus appears that, in comparison to the amount of revenue from the proposed oil tax, even in the committee's enthusiastic expectation, would be negligible. In fact, it is the smallest item of revenue included in the committee's bill. (See CONGRESSIONAL RECORD for March 11, 1932, p. 5787.)

III. THE PROPOSED TARIFF RUNS COUNTER TO THE SETTLED POLICY OF THE UNITED STATES

Even if it be assumed that this tariff provision is properly part of a revenue bill and that it would produce an appreciable amount of revenue, it appears from a review of our tariff history that this is a new departure and is contrary to our settled policy. There has never been a tariff on crude petroleum and its related products. Both of the major political parties have recognized in their platforms the soundness of the proposition that petroleum and its products should be free from tariff. The Democratic platform for 1920 says:

> The Democratic Party recognizes the importance of the acquisition by Americans of additional sources of supply of petroleum and other minerals, and declares that such acquisition should, both at home and abroad, be fostered and encouraged.

The Republican platform for 1928 calls attention to crude petroleum, gasoline, and lubricating oil as "articles used by the farmers, which are on the free list," and thus implies a promise that they will continue to be on the free list.

This attitude toward having petroleum on the free list has been recognized by Congress. We find that in 1922 there were 130,000,000 barrels of crude oil imported into this country, as against only 47,000,000 in 1931. Nevertheless, in 1922 Congress left petroleum on the free list.

Again, in 1929, the oil producers proposed that in the tariff then under consideration a tariff should be imposed on crude petroleum and on the products derived therefrom. But both the House and Senate, after extended investigation and lengthy deliberation, denied such efforts. Again, in 1930, the subject was before Congress when an attempt was made to place an embargo on the importation of oil, and Congress again took no action thereon.

After mature consideration by several Congresses oil was thus recognized to be one of the natural resources like pulp, copper, and others, which, by design and not by oversight, were left without a tariff, and the reasons for this conclusion, deliberately arrived at, with respect to oil, are not far to seek. Not only are gasoline, fuel oil, and other petroleum products of vital necessity in motor transportation, in industry, in shipping, and in many other ways but it is recognized that our petroleum supply is limited and irreplaceable. The statistics compiled by Government bureaus show that the United States produces and consumes about 68 per cent of the world's oil. But we have within our borders only about 18 per cent of the estimated world's underground supply.

This rapid rate of exhaustion of our own supply has been recognized as a matter for serious consideration. The conservation of the supply is a national necessity. The United States has therefore encouraged the investment of American capital in foreign oil fields and the importation of petroleum and its products. In the first report of the Federal Oil Conservation Board the board advises that oil companies should vigorously acquire and explore foreign fields as a source of supply under the control of our own citizens.

The report made in 1931 by the Bureau of Mines to the Commerce Committee of the Senate says:

> Having thus encouraged American oil companies to develop foreign oil production, it might be considered that there had been established an implied obligation to continue in the assistance of American companies engaged in foreign oil production, and that the restriction or refusal of admission to the United States of oil so produced would be contrary to the encouragement which these companies have received while engaged in foreign oil exploration and development work.

In view of this repeated recognition of policy with respect to oil, there can be no serious doubt that the tariff now proposed in the revenue bill is contrary thereto.

IV. THE PROPOSED TAX WILL INCREASE THE PRICE OF FUEL OIL AND WILL DIRECTLY AFFECT INDUSTRY, SHIPPING, WAGE EARNERS, FARMERS, HOME OWNERS, PUBLIC-SERVICE COMPANIES, ROAD BUILDING, AND OTHER INTERESTS

The sweeping effect of this proposed tax becomes evident on but slight reflection. Though it will produce no revenue for the Government, according to the experts, it will result in increasing the price of fuel oil, gasoline, and other widely used products of crude petroleum. It is reasonable to assume, and experience has shown, that the prices of petroleum products quickly follow the price changes of crude petroleum. In the 1928 report of the Federal Trade Commission, it is stated on page 175:

> As a rule price advances in crude petroleum have been followed promptly by gasoline price increases.

This conclusion can not be questioned. It is amply established by a mass of indisputable facts and figures collected in the August, 1931, issue of Petroleum Facts and Figures, published by the American Petroleum Institute and reprinted in the report of the hearings conducted by the Ways and Means Committee on this proposed tariff. (Pp. 50 to 56, inclusive.)

It is clear that users of fuel oil will be necessarily and promptly affected by the increase in price. Every State in the Union where manufacturing is carried on to any substantial extent is, of course, interested in having fuel for its industries at a proper price. In many industries, fuel enters to a substantial degree into the cost of production and thus constitutes a large factor in the selling price of articles manufactured. For example, in the finishing plants of the textile industry where gray goods are converted into marketable materials for consumers' use, the expense of fuel amounts to nearly 10 per cent of the entire manufacturing expense. In shipping, the proportion is even larger.

At the present time fuel oil—which is the residuum left after naphtha, gasoline, kerosene, and others of the more expensive products have been removed by the so-called cracking process—is obtainable on the Atlantic coast at less than 1½ cents per gallon. An increase of 1 cent per gallon means an increase of about 70 per cent in the cost of fuel—a tremendous increase in this large and essential item of the cost of manufacture. The same proportion of increase in fuel cost—namely, nearly 70 per cent—will result to the shipping interests using fuel oil. It seems clear, beyond doubt, that the cost of fuel to such industries and to shipping will be nearly doubled by the advance in price of fuel oil which the proposed tariff will induce. Many of the industries have already found themselves in such condition that wages and employment were affected. This is most unfortunate. The plight of shipping is well known. If this increase in the cost of fuel oil is passed on to the

wage earners engaged in those industries, tens of thousands of employees will be affected. On the other hand, if this great increase in the cost of turning the wheels of industry should result in increasing the prices of the products manufactured and transported by these industries, then consumers generally will be affected. On any view of the situation that seems certain to follow in the wake of this tax, there can be no doubt that industry, shipping, wage earners, and consumers will all be affected thereby, and all with no revenue to the Government.

Asphalt, another product of crude petroleum, is necessary for the manufacture of roofing and road-building material. Only petroleum with an asphaltic base supplies this material, and there are only two sources within our own country where such petroleum is available, namely, California and a small area in Texas. The roofing manufacturers say that the proposed tax would materially increase the cost of roofing material and the road builders say that it would nearly triple the cost of road building. (See report of hearings, pp. 129 and 132.)

The farmers and the home owners also have a stake in this problem. The farmer has a direct interest in having manufactured goods come to him at as low a price as possible. It is evident that the prices of his tools, his equipment, his clothing, his roofing, his building materials, are all dependent in some degree on the cost to the manufacturer and shipper of the heat and power that turn the wheels of industry. If a fuel-oil tax is adopted, we add to the farmer's burden as well as to the already overburdened industries and to the millions of wage earners employed by them. This does not take into consideration the effects on the farmer of the increase in gasoline for his tractors, trucks, and other gasoline motors. It is no wonder that farmers' organizations are protesting against this tariff. Protests have already been received by the Committee on Ways and Means from the representative farmers' associations in Minnesota, Indiana, Nebraska, Ohio, South Dakota, Tennessee, New Hampshire, and elsewhere. (See report of hearings before Ways and Means Committee, p. 108.)

Oil as fuel is not only a basic necessity for industry, it has come to be used widely as a fuel for homes. The American Oil Burner Association reports that more than 750,000 homes have been equipped with oil burners and that $525,000,000 have been invested in the industry of producing oil burners for home. (See report of hearings before Ways and Means Committee, p. 119.) The American home owners using oil fuel will, of course, immediately feel the result of this tax. It can not, therefore, be denied that the effects of this tax will be far-reaching and will be felt by millions.

V. THE PROPOSED TAX IS UNFAIR FOR IT WILL BEAR DOWN PARTICULARLY ON THE STATES LOCATED AT A DISTANCE FROM OIL FIELDS

The Atlantic States have been obtaining some of their supply of fuel oil from petroleum originating in Venezuela. The Tariff Commission, in its report of February 1, 1932, to the chairman of the Ways and Means Committee, show that for the years 1929 and 1930 (for which years figures as to imports were available) they were with respect to fuel oils, as follows:

TOPPED OILS, INCLUDING FUEL OILS

Barrels of 42 gallons each:	
1929	20,545,498
1930	26,080,383

The consumption on the Atlantic coast, where these imports were received, was far in excess of the amounts imported, as appears by the report of the Bureau of Mines on deliveries of fuel oil, as follows:

	1930	1929
New England States	20,618,218	21,829,471
Middle Atlantic States	87,284,415	88,721,203
South Atlantic States	10,410,097	9,953,117

It is thus clear that the consumption of domestic fuel oil on the Atlantic seaboard is far in excess of the amount of such oil imported from foreign sources. The imported fuel oil naturally does not reach the States located at any great distance from salt water. The proposed tax is therefore in effect a tax bearing directly upon the people and the industries and the shipping of those States. The effect of it is the same as though those States were specifically named in the bill. The rise in price by reason of the tax will most directly affect those specific portions of the country and thus be highly discriminatory against the Atlantic States. Of course, a tax upon those industries will result in a rise in price of the products and thus indirectly affect the consumers of those products throughout the United States. But the direct effect of the tax will be upon those industries, upon their wage earners and home owners, and indirectly upon all of our people, including the farmers. It is plain that Congress could not single out the non-oil-producing States and impose a tax upon such States. That would be unconstitutional. The effect of the proposed tax produces exactly the same result by indirection, which the Constitution expressly prohibits.

VI. THE PROPOSED TAX WILL ACTUALLY CREATE A DEFICIT TO THE GOVERNMENT RATHER THAN REVENUE

In view of the exigency which occasioned the need for the present revenue bill, citizens must, of course, be prepared to bear tax burdens if such burdens would produce revenue. The only possible justification for the inclusion of any tax in the revenue bill would be as a revenue producer. But we find that the Government itself would suffer to the extent of millions in excess of any amount of revenue that could possibly be expected. Ludwell Denny, in We Fight For Oil, says:

> Current peace-time requirements of those branches of the Government responsible for the national defense are approximately 20,000,000 barrels of petroleum products a year.

It is to be noted that this Government consumption of 20,000,000 barrels is only peace-time requirements for national defense. The total consumption of the American Government is much in excess of this. But, taking only the 20,000,000 barrels, we have the following ridiculous result:

Used by American Government, 20,000,000 barrels per year; in gallons (42 gallons per barrel), 840,000,000 gallons per year.

At 1 cent per gallon increase in cost	$8,400,000
Estimated income from tax on imported oil, as assumed by the committee	5,000,000
Minimum net loss to American Government	3,400,000

Thus we see that the net result to the Government, on its own annual requirements for national defense, will be a substantial net loss. It is clear that at best the proposed tax does not produce revenue but creates a deficit. It leads to the ridiculous conclusion of the necessity of raising further revenue to cover this new deficit.

VII. THE PROPOSED TAX WILL REDUCE OUR EXPORTS TO VENEZUELA

The great importance of foreign trade to our wage earners and industries can not be overestimated. The Bureau of Foreign and Domestic Commerce of the United States Department of Commerce (Bulletin No. 783) reports that Venezuela is buying from us 55 per cent of all the goods which she imports, and says:

> Since the World War Venezuela has become of increasing interest to the American public, primarily through the intensive development of its oil fields, but also because of the increased trade between the two countries.

We sell Venezuela food products and increasingly large amounts of manufactured goods. (See bulletin of U. S. Department of Commerce No. 783, pp. 46–48.) Venezuelan imports from and exports to the United States for 1913 and from 1926 to 1929 were as follows:

	Our exports to Venezuela	Our imports from Venezuela [1]
1913	6,829,000	8,335,000
1926	44,063,000	18,926,000
1927	36,058,000	19,896,000
1928	46,069,000	32,619,000
1929	48,179,000	42,308,000

[1] Page 39.

The growth of our exports to Venezuela has thus been steadily and substantially increasing. The comparison of the figures of recent years with 1913 is impressive. Our Department of Commerce, Bulletin No. 783, page 40, recognizes that "the importance of petroleum in this rapid trade development is striking." It is the export of petroleum and its products that furnishes Venezuela a means of payment and therefore has established it as a good potential customer. The trade balance with Venezuela has been steadily in our favor, as shown by the above schedule. Our total imports from Venezuela in 1930 aggregated $36,868,010 (p. 46). Of this amount, nearly $26,000,000 consisted of petroleum and its products (p. 46). In other words, more than 72 per cent of the payment by Venezuela for our goods is in petroleum and its products. If by reason of this tax imports from Venezuela are cut off, as the Treasury Department says they will be, Venezuela will have to look for other markets for her petroleum and its products. Venezuela must and will import from those countries that buy her oil. It follows that our foreign trade with Venezuela will be greatly reduced. The effect of this reduction in our export trade will, of course, further reflect upon our industries and wage earners. Our foreign trade is not in such condition that we can afford to tamper with it—it has already fallen off nearly 40 per cent from 1927—and we must carefully foster and develop our remaining foreign markets.

VIII. THE PROPOSED TAX WILL NOT HELP THE INDEPENDENT OIL PRODUCERS

The proponents of the tax have laid stress on the plight of the independent oil producers. Their spokesman, Mr. Wirt Franklin, told the Ways and Means Committee about the condition in which owners of small wells that produce a barrel and a half a day find themselves, and urged this proposed tax as a measure for assisting these small independent oil producers. He overlooked the fact that by reason of general conditions, industry, farming, and business generally face similar price conditions in practically all commodities. The home owner is in the same condition. The Department of Labor shows that the price index declined generally between January, 1931, and December, 1931. To take a few examples:

Item	Index for January, 1931	Index for December, 1931
Farm products	73.5	55.7
Semimanufactured articles	73.4	62.2
Raw material	72.9	60.2
Textiles	71.0	59.2
Miscellaneous	64.7	56.9
Oil	69.8	63.6

It thus appears from a disinterested and reliable source that farming, textiles, and other industries generally have suffered more than oil in price reductions during 1931, and that in December, 1931, their price indices were lower than those of oil. If the oil industry is entitled to help, by means of the revenue bill, why are not the other industries? Thus the door will be opened for those interested in copper, pulp, fish, and in other necessary and designedly free materials to use this exigency of the revenue measure as a means for precipitating a discussion as to a change of tariff policy, and manufacturers and dealers in manufactured products will also, with as large a measure of justice, come forward and demand tariff legislation. The quick passage of a revenue bill will be rendered impossible, and we shall be plunged into the midst of a pulling and hauling tariff revision. The result will be much noise and confusion and no present help to the Government and no balancing of the Budget.

But even aside from this important consideration, which must not be overlooked, an examination into the oil situation shows that the proposed tariff of 1 cent per gallon will not alleviate the conditions of the independent producer. The United States Tariff Commission reports (Report, February 1, 1932) that our country produced in 1931 about 850,000,000 barrels of crude petroleum. Our total imports for that year, both of crude and refined oils, were only about 10 per cent of that amount; that is, about 86,000,000 barrels. These imports were as follows:

	Barrels
Crude petroleum	47,250,000
Refined oils, including fuel oil, gasoline, etc	38,700,000
Total	85,950,000

Our imports were thus but a small fraction of our production, and they had moreover decreased 24 per cent as compared with the year 1930.

The United States Tariff Commission reports show that the independents produce less than 20 per cent of the total amount of petroleum brought to the surface in our country; that they are in no position to compete with the few large and organized companies that produce the bulk of the petroleum. The troubles of the independents are clearly traceable not to any foreign competition but to the fact that a few corporations control the means of transportation, the refining and storage plants, and the marketing facilities for petroleum and its products.

Alfred M. Landon, the chairman of the Kansas delegation to the Governors' Oil Relief Conference, says:

To-day the greatest danger facing the oil industry is not from without but from within—and that danger is the elimination of competition through "integration," which is only a gentle-sounding phrase under which a monopoly masquerades.

Having no storage capacity, no means of transportation except the one in the control of the few large companies, no consignee or purchaser other than those corporations, the independent is obliged to accept what those companies see fit to give him as the price of crude petroleum.

The Independent Monthly of the Petroleum Association of America in its issue of July–August, 1931, shows that out of a base price at tidewater of 85 cents a barrel only 10 cents per barrel went to the producer of the petroleum. Of the remainder, 40 cents was the so-called trunk-line charge for transportation, 12½ cents was figured into the price as a "gathering charge," 2½ cents as a ship-loading charge, and 20 cents as a "service charge," or premium to the parent corporation. These indisputable figures are most significant. They show the result of the monopolistic control of transportation by pipe line, which is not subjected to such regulation as other carriers, like railroads. Here is the great cause of the condition of the independent. It is evident, therefore, that the troubles of the independent producers will in no way be remedied by the proposed tax of 1 cent per gallon. He will still remain in the grip of this monopoly, and will still be without means of transportation, refining, loading, or marketing.

Surely, it can not be argued that it is the large integrated companies that are languishing for want of this tax of 1 cent per gallon, because those companies have apparently not been hit by the depression at all. We find that during these years of depression they have paid enormous dividends. From a compilation made by the Interstate Commerce Commission in its statement, No. 3170, we find that for the year 1930 six large pipe-line companies have declared dividends ranging from 40 to 338 per cent.

Surely those companies need no tariff assistance at the expense of the rest of the country, and the independents who find themselves in the iron grip of these large integrated corporations can not possibly benefit from the further depression which will result to manufacturing, shipping, and farming interests from the proposed tax. This was recognized by the western group in Congress when the matter of an embargo on oil was discussed in 1931. Said Senator ASHURST, of Arizona (CONGRESSIONAL RECORD for March 2, 1931, pp. 6722–6723):

We are asked, in behalf of the Sinclairs and the Dohenys, to put an embargo upon the importation of oil. Mr. President, there is a larger question here than the mere question of serving the oil interests and the Dohenys and the Sinclairs of this country. Are we going to levy a tax, already too heavy, upon every person who uses an automobile, upon every farmer who has a motor upon his farm, in order to swell the profits, already great, of the oil industry?

The Senator must have read the record of the tremendous dividends declared by those companies. He referred only to users of gasoline who would be taxed, but his statement holds true with respect to those fuel-oil users who would be the victims of such a tax; neamly, the great industries, shipping, the wage earners, and the home owners.

IX. SUMMARY AND CONCLUSION

In this national emergency which imperatively demands the speedy balancing of the Budget, a tariff measure is entirely out of place. There is no time for the careful investigation of the plight of other industries, their comparative conditions, the complicated results, and all the numerous incidents accompanying tariff legislation. The proposed tax opens the door wide to demands by other industries equally distressed and with an equal measure of justice. The soundness of the principle that tariff legislation should not be confused with emergency revenue measures is made clear when we consider the confusion and delay that will inevitably follow the opening of the doors to these numerous demands for tariff legislation.

The proposed oil tariff is not only out of place but it will produce no revenue. Citizens might be resigned to added burdens of taxation even in these hard times if at least the taxes imposed resulted in revenue. But the only possible justification for the proposed tax disappears when we find not only lack of revenue but a direct and positive deficit to the Government itself on its own peace-time requirements for national defense.

It has been shown that the burdens to industry, to the wage earners, to commerce, to the farmer, to the home owner, which the proposed tax involves, will be many and far-reaching. It does not even have the redeeming feature of helping the independent oil producers, for whose sole benefit it is ostensibly proposed. The corporations that exercise a monopolistic control over the means of transportation, refining, storing, distributing, and selling the oil, certainly do not need it. And when, to top all, it appears that it is contrary to our established policy, and that it will substantially interfere with our foreign trade, it would seem that the last vestige of justification for including such legislation in the emergency revenue bill disappears.

PUBLIC LANDS FOR USE OF EASTERN NEW MEXICO NORMAL SCHOOL

Mr. EVANS of Montana. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill (H. R. 6679) granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 6679, which the Clerk will report.

The Clerk reported the title of the bill.

Mr. EVANS of Montana. Mr. Speaker, I ask unanimous consent to substitute for the House bill Senate bill 1590.

The SPEAKER. The gentleman from Montana asks unanimous consent to substitute for the House bill the Senate bill S. 1590. Is there objection?

There was no objection.

The SPEAKER. The Chair lays before the House the Senate bill, which the Clerk will report.

The Clerk reported the title of the Senate bill.

Mr. STAFFORD. Mr. Speaker, I have no objection to the consideration of the Senate bill, but I wish it understood that it occupies the same legislative status as the other.

The SPEAKER. Certainly. The bill being on the Union Calendar, the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate bill, and the gentleman from Georgia, Mr. PARKER, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1590, with Mr. PARKER of Georgia in the chair.

The Clerk read the title of the bill.

Mr. EVANS of Montana. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EVANS of Montana. This bill is designed to grant certain lands to the State of New Mexico. I yield to the gentleman from New Mexico [Mr. CHAVEZ] such time as he may desire for an explanation of the bill.

Mr. CHAVEZ. Mr. Chairman, the purpose of the bill is simply to carry out the noble purpose of advancing the greatest of all American institutions, the cause of education. New Mexico, as you know, is a large State and was originally settled only in the western portion. In 1912, when we were admitted into the Union, we were granted certain lands, and 200,000 acres of those lands were specifically set aside for normal-school purposes. The great eastern section of New Mexico was very sparsely settled at the time, but the men who drafted the constitution of our State, under the enabling act, realizing that eventually that part of the State would be settled, set aside out of the original 200,000 acres 30,000 acres for normal-school purposes within the eastern section of the State. Within the last few years many citizens of Texas, Oklahoma, Missouri, Ohio, and other parts of the country have gone into this particular territory, and I can inform the House now that practically 50 per cent of our high-school graduates come from within a radius of about 120 miles of the normal school that is intended to be benefited by this legislation. In 1927 the State of New Mexico created the Eastern New Mexico Normal School to meet the needs of the people of that section, and also sought to take the 30,000 acres originally set aside for that purpose, but we have not enough. This bill asks only for a grant of the acreage mentioned in the bill, so that this particular normal school will be on even terms with the normal schools in the oldest settled parts of the State. It is absolutely necessary that we have this legislation if we are to go forward in our State. It is sparsely settled, it is poor in wealth. The Government has large tracts of Government domain within that State, and all we ask, in all sincerity, of this House is to look at our condition and permit us to carry out this purpose. We are not asking for this land to do with as we see fit. All we ask is that this land be granted to the State of New Mexico and a trust be created to help us out with education.

Gentlemen will notice a report from the Interior Department with reference to this bill. There are no serious objections from this source. The members of the committee will recall that the last Congress passed legislation which created a public lands commission. That commission, appointed by the President under authority of this Congress, has gone into all of the 11 so-called public-domain States of the West and has reported back to this Congress and to the Executive authority that the remaining unreserved and nonmineral public domain be ceded to all of the States, and, carrying out the provisions of that report, there is now before the Public Lands Committee of the House an administration measure by which the States will get all of the public domain that is unreserved and unappropriated, without the minerals.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CHAVEZ. Yes.

Mr. STAFFORD. This bill does not extend to unsurveyed lands. It specifically provides for surveyed lands.

Mr. CHAVEZ. Yes. The other applies to unreserved lands remaining in the public domain, with the exception of what is reserved for forest reserves and other governmental purposes. If it is proposed to give to the States all of the public domain, we do not believe that we are asking at this time anything that is unreasonable, and I hope the Members of the House will help me to-day in carrying out the noble purpose of education in our State. That is all we ask.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. CHAVEZ. Yes.

Mr. SNELL. About what is the value of this land that you want given to the State?

Mr. CHAVEZ. I can answer that in this way. What is left of the public domain in New Mexico or elsewhere throughout the West is what you may classify in ordinary

parlance as "the leavings," it is the least valuable land that we could get. We could possibly lease it out for grazing purposes; and if you were to lease every acre, the most that we could get would be the average rental now paid in New Mexico for better lands, which would be 3 cents an acre. We have a provision in our constitution by which we are limited to a certain amount per acre in matters of sale.

Mr. SNELL. I can not see that this would be of very great value toward maintaining a normal school, if you could get only 3 cents an acre.

Mr. CHAVEZ. It would help us immensely. We hope that we may develop our other natural resources in the State, by which the State could carry on the greater burdens.

Mr. SNELL. That would be only about $900 or $1,000 a year.

Mr. CHAVEZ. The amount would be small. But to us it means as much as a million or two to somebody else.

Mr. SNELL. What is the average price paid for grazing land in the gentleman's State?

Mr. CHAVEZ. Under a constitutional provision we can not sell them for less than $3 an acre, but even at that price it is impossible to dispose of it.

I will say to the gentleman from New York [Mr. SNELL] that of the land that has been granted to the State, which means millions of acres, we have only been able to dispose of some 100,000 acres by sale. It is impossible to sell it for the amount limited by the constitution of our State, under the enabling act. Does that answer the gentleman's question?

Mr. SNELL. Yes.

Mr. SMITH of Idaho. If the gentleman will permit, I wish to say that the President's Public Lands Commission recommends that all public lands, nonmineral in character, be given to the States.

Mr. SNELL. Would the States take them if they were given to them?

Mr. SMITH of Idaho. No; not as a general proposition, but in a case like this where the State wants 200,000 acres and for a specific purpose.

Mr. SNELL. Why would they not take it all?

Mr. SMITH of Idaho. Because the surface right alone would be of no advantage to them. The cost of administration would amount to more than the States would receive from the lands.

Mr. COLTON. It is a liability instead of an asset, in many instances, that is being transferred to the States.

Mr. STAFFORD. It is a policy of the States to throw the liabilities on the National Government and take the assets for their own benefit.

Mr. COLTON. If the National Government will give us fee-simple title to the lands, that is an entirely different proposition, but they are reserving all the worth-while lands and giving us the remnants, not worth anything.

Mr. EVANS of Montana. Mr. Chairman, I yield two minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, on yesterday the House made certain amendments in the estate tax. I have asked the Secretary of the Treasury, for our information, to submit an estimate of the yield under the Ramseyer amendment.

I ask unanimous consent to extend my remarks by including the letter of the Secretary of the Treasury, for the information of the House.

Mr. PATTERSON. Mr. Chairman, reserving the right to object, if I understand the gentleman this is a letter from Secretary Mills telling how much more this tax would yield under the Ramseyer amendment?

Mr. HAWLEY. This is an estimate of the Treasury Department of the additional revenue that the Ramseyer amendment will earn.

Mr. PATTERSON. It will earn more than the bill which the committe brought in?

Mr. HAWLEY. It was estimated that the estate-tax rates proposed by the committee in the bill would earn for the fiscal year 1933, $25,000,000 over and above the amount produced under existing law. This estimate was made on the assumption that the bill would become effective at a much earlier date than is now possible. If the bill should become law by May 1, the new rates under the Ramseyer amendment will be effective only during two months of the fiscal year 1933. On that assumption the estate-tax rates proposed by the committee would produce for the fiscal year 1933, $12,000,000, while the Ramseyer amendment would produce some $20,000,000 during the fiscal year 1933, or $8,000,000 more than the amount that would be earned under the bill as reported by the committee.

Mr. PATTERSON. I shall not object, but I wish to make this observation: The gentleman from Iowa [Mr. RAMSEYER] is not here, and this is so far from what the gentleman estimated that I suppose it is about as correct as the estimate of the present Secretary of the Treasury when he asked the committee to return that $190,000,000 to the taxpayers in 1929.

Mr. STAFFORD. Will the gentleman state what the total amount is? The membership is interested in that.

Mr. HAWLEY. The additional revenue estimated for the fiscal year ending June 30, 1933, is $20,000,000, and for the next fiscal year is $135,000,000. I submit the letter for the information and consideration of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The letter referred to is as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 23, 1932.

MY DEAR MR. HAWLEY: You have requested that the Treasury submit an estimate of the probable yield of the revised estate tax rates which were adopted by the House of Representatives in Committee of the Whole as an amendment to section 401 of H. R. 10236, the so-called Ramseyer amendment. I am glad to comply with your request.

The additional revenue to be derived under the Ramseyer amendment during the first full fiscal year in which those rates will be effective, that is, the fiscal year 1933–34, will, in our judgment, not exceed $135,000,000. This is a liberal estimate.

So far as the fiscal year 1933 is concerned, for which the House of Representatives is now budgeting, the amendment will not in all probability yield much in excess of $20,000,000. It is obvious that the proposed tax bill can not become law before the first of May, if then. The new rates would only apply to the estates of decedents dying after the new law goes into effect. The estate-tax returns and the Federal estate tax are not due until a year after the date of death, and payment of the tax may be postponed under certain conditions for a period of three years. It is apparent, therefore, that under the most favorable circumstances payments under the new rates will only be received during the last two months of the fiscal year 1933.

I note that during the debate of yesterday in the House it was suggested that the new estate tax rates will yield for a full year between $500,000,000 and $600,000,000. This estimate obviously was based upon returns for estates filed in the calendar year 1930. Estate-tax returns filed during the calendar year 1930 cover for the most part estates of decedents who died during the calendar year 1929. Estates are valued as of the date of death. It is well known that values during most of 1929 were grossly inflated. Any estimate based on 1930 returns, therefore, reflects grossly inflated values and can not in the very nature of things represent a fair basis on which to forecast future returns.

Stocks and bonds ordinarily constitute a large proportion of the larger estates. The standard statistics index of more than 400 selected stocks averaged about 190 during the calendar year 1929. This same index at the present time stands at about 60, representing a decline of about two-thirds. Nothing could indicate more clearly the fallacy of basing future estimates of estate-tax yields on 1930 returns, which represent 1929 values.

In making estimates of the yield from estate taxes during the fiscal year 1933–34 we are bound to take into consideration values and prices likely to prevail during the last six months of the calendar year 1932, as well as the first six months of the calendar year 1933. Our estimate of $135,000,000, while taking into consideration the present low level of values and prices, does make adequate allowance for improvement during those periods. Furthermore, owing to the period over which postponement of payments is possible and likely in view of the difficulties attending the settlement of estates under existing conditions, property values as in the fiscal year 1932–33 will not only affect collections in the fiscal year 1933–34 but will be reflected in collections even beyond that year.

The important fact to be noted in connection with the revenue bill now pending before the House and intended to furnish adequate revenue for the fiscal year 1933 is that increased estate-tax rates can not be made effective in time to have any real influence on 1933 revenues.

Sincerely yours,

OGDEN L. MILLS,
Secretary of the Treasury.

Hon. WILLIS C. HAWLEY,
House of Rpresentatives, Washington, D. C.

Mr. STAFFORD. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. Is there any member of the committee opposed to the bill? If not, the gentleman from Wisconsin [Mr. STAFFORD] is recognized.

Mr. STAFFORD. Mr. Chairman, I take the floor largely to gain some information, part of which has already been furnished by the gentleman from New Mexico.

There is an adverse report by the Commissioner of the General Land Office against this bill. He concludes his memorandum to the Secretary of the Interior, dated January 18 of this year, in the following language:

> It has not been the policy of the department to recommend further grants of lands to the States for specific purposes, except in case of some special or urgent need for such grant.

His memorandum also shows that the Government has been more generous in the granting of public lands to the Territory and State of New Mexico than in any other instance. We have up to the present moment, without regard to this further grant, conveyed to New Mexico, while a Territory or State, 12,000,000 acres. The gentleman says that of this 12,400,000 acres the State has only disposed of 100,000.

Mr. CHAVEZ. In the way of sale.

Mr. STAFFORD. In the way of sale, because the lands can not be disposed of under the statutory limitation of price fixed by the constitution.

Mr. CHAVEZ. That is right.

Mr. STAFFORD. Now I yield to the gentleman from New Mexico.

Mr. CHAVEZ. At first glance one would think that the fact we have 12,000,000 acres when some other States only have 8,000,000 would prove that we were getting more; but it does not prove that we are getting more, for the reason that possibly 1,000 acres in Montana or Wyoming are more valuable than 50,000 acres in our State. Values are not measured by acreage.

Mr. STAFFORD. But the fact that there have been some valuable sectional lands granted to New Mexico, more than there have been to some of the other States.

Mr. CHAVEZ. Yes.

Mr. STAFFORD. The State of New Mexico is not as barren as the Great Desert of Nevada.

Mr. CHAVEZ. Well, we are pretty barren in places.

Mr. STAFFORD. In some places, but not quite as arid as the State of Nevada.

Mr. CHAVEZ. But under our constitutional limitation a cow man could not buy land at $3 an acre and get by at all. That is impossible, and anyone who knows anything about conditions in the West knows you can not buy certain lands at $3 an acre and make a living.

Mr. STAFFORD. The commissioner goes on to say:

> In addition to these grants, a further grant of 250,000 acres was made by the act of Congress approved May 28, 1928, in aid of said railroad bond fund, making in all more than 12,650,000 acres granted to New Mexico for educational and other purposes.

Mr. CHAVEZ. That is right.

Mr. STAFFORD. Now I wish to direct this inquiry. Of course, we are all sympathetic with the purpose of having our public lands used for school purposes. How much of the public lands that have been previously granted to New Mexico are being used for that purpose?

Mr. CHAVEZ. I will say to the gentleman from Wisconsin that out of the trust created by those grants New Mexico gets something like $1,500,000 a year for school purposes.

Mr. STAFFORD. How do they receive that $1,500,000?

Mr. CHAVEZ. The gentleman means through what process?

Mr. STAFFORD. Yes.

Mr. CHAVEZ. They lease the lands, and the rental from those lands goes for school purposes.

Mr. STAFFORD. Do they lease the land for grazing purposes?

Mr. CHAVEZ. Mainly for grazing purposes. I should say that 98 per cent is leased for grazing purposes alone.

Mr. STAFFORD. What is the character of the land purposed to be conveyed to New Mexico under this act?

Mr. CHAVEZ. This is what is referred to as a floating grant; that is, you can not get all the acreage in one block. The process would be as follows: If this bill were to become a law the New Mexico land authorities would select some land and make a request on the General Land Office in Washington. The General Land Office would then clear-list this land and say whether or not it would come within the purview of this law. We can not say we want this particular piece. We may go there and, due to the character of the land, say we want this section and that section and that section. Then that request is submitted to the General Land Office and they clear-list it if it comes within the law.

Mr. STAFFORD. I notice this bill delimits all mineral land from its operations.

Mr. CHAVEZ. Yes.

Mr. STAFFORD. Is any of the proposed land capable of being included in reclamation projects?

Mr. CHAVEZ. Not in any reclamation project, not an acre, I will say to the gentleman.

Mr. SNELL. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SNELL. I would like to know how they arrive at 76,667 acres?

Mr. STAFFORD. That is a very pertinent inquiry.

The gentleman says this is a floating grant. How does the State of New Mexico arrive at the specific number of acres that are desired in addition to the 12,000,000 they already have?

Mr. CHAVEZ. Those figures bothered me a little bit at first, so I wanted to know the reason why. I inquired of the Senator who introduced the original bill, and I was advised that those figures were only put in there for this purpose—it could have been 80,000 or 75,000——

Mr. SNELL. It seems to me it would have been better to say 70,000 acres. There must be something back of it.

Mr. CHAVEZ. No. These figures, together with what we already have for this particular school, would bring this school on even terms with our other two normal schools.

Mr. SNELL. Making 250,000 acres for the support of this school?

Mr. CHAVEZ. No; 30,000 acres plus what is provided in this bill.

Mr. SNELL. As I understand the gentleman, the total income of the State of New Mexico for this purpose is about $1,500,000.

Mr. CHAVEZ. Something like that.

Mr. SNELL. I can not understand how that amount of money can be received by the State of New Mexico when, as I understood the gentleman, these lands are leased for 3 cents an acre for grazing purposes.

Mr. CHAVEZ. Of course, a lot of these lands, in certain sections of the State, are leased for oil purposes. I will say to the gentleman from New York that if New Mexico were allowed to develop its oil industry the way it should, we would not be asking for a meager $2,000 or $3,000 a year, as we would get under this bill, and for this reason: We have one particular oil field in the eastern section of the State which has a potential proven capacity of over 1,000,000 barrels daily. Much of that is in Government lands and some in State lands.

Mr. SNELL. But that has nothing to do with this bill?

Mr. CHAVEZ. No. But we could get more revenue if we were allowed to do that than we will get under the present bill.

Mr. SNELL. I can not understand how the State gets an income of $1,500,000 at 3 cents an acre.

Mr. CHAVEZ. I think I told the gentleman heretofore that we are leasing some for other purposes.

Mr. SMITH of Idaho. This is all nonmineral land?

Mr. CHAVEZ. Yes; it is.

Mr. STAFFORD. This is only another instance where the National Government is being called upon to dispose of some of its property, not for the benefit of the people of the

United States but for the benefit of an individual State. We adopted the policy when we granted statehood to New Mexico of giving it certain sections of land for school purposes. Under the enabling act we gave to New Mexico as much land as we gave to any other State.

This land has value. You are asking the National Government to give up something of value for the support of the school system of the State of New Mexico. It is on a par as if we had a bill here asking the National Government to contribute a certain amount of money out of the Treasury of the United States for the support of the school systems of the respective States.

Mr. CHAVEZ. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CHAVEZ. Does not the gentleman from Wisconsin know that there is a proposal before Congress now by which we will get all of the public domain and not simply 70,000 acres?

Mr. STAFFORD. That is a proposal recommended by a commission, but it has not been acted upon by Congress. The public lands not disposed of are the property of the people of the United States.

Mr. CHAVEZ. May I interrupt the gentleman there?

Mr. STAFFORD. Yes.

Mr. CHAVEZ. Does not the gentleman from Wisconsin understand that the public policy involved here means the advancement and education of intelligent people in this country which will be beneficial to the country at large, I am sure?

Mr. STAFFORD. New Mexico has taken a counter policy to that which my own State took; and I wish to compliment the Legislature of New Mexico in taking the advanced stand which the people of Wisconsin did not take in holding the land that the Government of the United States gave to the State upon its admission to statehood, and which lands were sold years back at a very nominal price with little returns for the benefit of education. They were valuable timberlands.

New Mexico is going to profit by this policy, and I rather commend the Legislature of New Mexico, and am inclined to withdraw my opposition to this bill because the legislature places a definite, fixed value on the land so that it can not become the prey of timber exploiters at the present time, and will ultimately redound to the benefit of the school system.

There was abuse so far as Wisconsin is concerned, and I can only speak of my own State, in the early years, and the valuable timber lands that were granted to the State with a trust impressed upon them that they should be used for school and university purposes were sold for a mere song and were subjected to the speculation of timber interests. The State suffered in not receiving the revenue that it should have received by holding the school lands for present-day use to educate our people, not only to-day but in the future.

I am going to withdraw my opposition to this bill because of one fact, and one fact alone, that the State of New Mexico has placed a limit of value at which these lands can be sold, knowing that limit is not capable of being reached to-day but that future generations will get the benefit that Congress intended in the transfer of these lands for school purposes. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. EVANS of Montana. Mr. Chairman, I would like to say just a word about this bill. Two years or so ago the President of the United States recommended that the unreserved and nonmineral public lands be turned over to the several States. After a fight in the House we got through a bill appropriating $50,000 to make a survey and a report upon this question. Ex-Secretary Garfield and others were appointed upon this commission, and the committee made its report, recommending that we turn over all these lands to the States. The bill is now pending before us, and here comes a bill providing that we shall turn over 30,000 acres to the State of New Mexico. If the administration at present wants to turn them all over to the States, why not turn over this tract of 30,000 acres while we are determining whether we shall turn all these lands over to the States? I think the bill should be passed.

The Clerk read the bill for amendment.

Mr. EVANS of Montana. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARKER of Georgia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 1590) granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. EVANS of Montana. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EVANS of Montana, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

POLICE JURISDICTION OVER BLACKFEET HIGHWAY, MONTANA

Mr. EVANS of Montana. Mr. Speaker, I call up the bill (H. R. 8914) to accept the grant by the State of Montana of concurrent police jurisdiction over the rights of way of the Blackfeet Highway, and over the rights of way of its connections with the Glacier National Park road system on the Blackfeet Indian Reservation in the State of Montana.

The SPEAKER. This bill is on the Union Calendar.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8914, with Mr. PARKER of Georgia in the chair.

The Clerk read the title of the bill.

Mr. EVANS of Montana. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EVANS of Montana. Mr. Chairman, this bill is designed to concede to the Federal Government jurisdiction over a road running through the Blackfeet Indian Reservation, a road that enters the Glacier National Park at one point, runs through the Indian reservation and again enters the park.

The topography of the country is such that the road can not be run wholly within the park, because of the mountainous conditions. Therefore, it must run outside the park for a distance and on the Indian reservation.

There is really no police protection for that road or for travelers upon the road after they leave the park until they again enter the park. The State of Montana has asked that the Government of the United States assume the control over it as it runs through the Indian reservation.

I know of no objection to the bill except a seeming constitutional objection to the Government of the United States taking jurisdiction over a matter of this kind.

I now yield to the gentleman from Montana [Mr. LEAVITT], the author of the bill.

Mr. LEAVITT. Mr. Chairman, the chairman of the committee, the gentleman from Montana [Mr. EVANS] has quite thoroughly stated the case. In 1910 the Glacier National Park was established and taken under administration. It was necessary to construct highways to and through the park. On the eastern side of the Glacier National Park lies the Blackfeet Reservation. There is no land touching the park on the east that is not within the Blackfeet Reservation.

The first highway built in 1910, from the park station to Glacier National Park, was constructed by a private railroad company and turned over to the jurisdiction of the National Park Service.

The National Park Service has always had jurisdiction of the highway, but as years went by it became necessary to build a much better road to take care of the travel through the park.

That reconstruction was brought about under the Federal highway act. The road between the Glacier National Park station and the Canadian border was built as a part of the 7 per cent system in Montana. It has been necessary to change its location to some extent, and the question arose whether the old jurisdiction of the Park Service extended over the road as reconstructed. It was the opinion of the solicitor of the department that this road, having become a State road under the Federal law, could not be taken under the jurisdiction of the Park Service without the consent of the Legislature of Montana.

In 1929, in order to meet that situation, the Legislature of Montana passed an act which conferred on the Federal Government joint jurisdiction over the road. The purpose of this bill is the protection of the public who visit the Glacier National Park.

It must be remembered that this road is in a part of the State of Montana that is entirely uninhabited, with the exception of a few scattered Indian families who have allotments in that section. It is used mostly in connection with travel to and in the national park. There is no policing over this highway, and there can be none except that which is given by the Park Service. People go to the Glacier National Park from all parts of the United States and from all parts of the world. That travel is continually increasing. This road could not be built within the boundaries of the Glacier National Park in most of its mileage because of the contour of the country. It was necessary to go outside the boundaries of the park and run through the Indian reservation. It has leading out from the trunk road itself feeder roads that lead into the national park in three or four different places. We are now completing the construction of a transmountain highway that will cross through Glacier National Park by way of Logan Pass, and that will greatly multiply travel into Glacier National Park. The people of the United States and of the world visiting the Glacier National Park are entitled to protection on the road. That can not be given to them except by the enactment of this legislation. This legislation will not cost the Government of the United States one cent more than it spends now. In order to police the highways within the park it now is necessary for the motor-cycle police, generally consisting of only one man and sometimes in the rush season of two, to travel over the entire length of this road, so that it will take no more men than now are used and necessary.

But they have no direct jurisdiction at the present time except that they can stop a man who is speeding or driving in a dangerous way and admonish him. They have no authority to do anything beyond that on the great proportion of the road that is outside of the park itself.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. BRIGGS. How much use is made of this highway by the public?

Mr. LEAVITT. A great deal of use. During the park season of about three months probably 50,000 to 60,000 people would travel over this highway.

Mr. BRIGGS. What is the length of this portion?

Mr. LEAVITT. The length outside of the national park is about 60 miles. The distance between Glacier Park and the entrance to Canada is 52 or 54 miles, and these spurs that lead into the various places of interest within the park vary in length from 13 to 2 miles, with probably half of that mileage outside of the park.

Mr. BRIGGS. And this imposes no obligation upon the Federal Government except that of policing the highway?

Mr. LEAVITT. That is all, and that is all of the authority given in this act. It is intended only to protect the people who visit the national park by putting an end to speeding and improper driving. One life has been lost on that highway up to the present time, and five or six rather serious accidents have occurred, without any police authority to control the situation and no valid reason to expect that the State of Montana should establish a motor-cycle protection of that particular piece of road. The State of Montana has no such system on any of its roads. Montana is tremendous in area and very small in population, and has never established a State police system to control travel on its highways. But here is a place of congested travel where that kind of protection is necessary, and where it can only be had through the enactment of this legislation, accepting the grant by the State of Montana of concurrent jurisdiction. Concurrent jurisdiction is suggested because the tourist season extends for only three months of the year, and through the remainder of the year the park tourist travel is not going over that part of that particular road. It should at other times have the same jurisdiction as any other road on an Indian reservation or any other place in Montana. During the tourist season the protection of people in life and limb requires the enactment of this legislation.

Mr. STAFFORD. Mr. Chairman, I ask for recognition in opposition to the bill, if no member of the committee is opposed to the vital principle involved in this bill.

The CHAIRMAN. Is any member of the committee opposed to the bill?

Mr. EVANS of Montana. None that I know of.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. Mr. Chairman, were it not that the Committee on Military Affairs in the last Congress had similar legislation before it for consideration, involving the policing of the highway from the Key Bridge to Fort Myer, perhaps I would not be so strongly opposed to the principle involved herein. A very efficient and capable representative then representing the Virginia district across the Potomac, Mr. R. Walton Moore, strongly urged that the National Government should take over jurisdiction of policing the highway leading through the villages on the other side of the bridge to Fort Myer and beyond. It involved a constitutional question of most vital importance, considering the polity that should exist between the National Government and the State governments. Mr. Moore, reared upon the principle of State rights, that a State should not confer any of its sovereignty upon the National Government, was willing to have the National Government interpose its police power on that highway to the extent of punishing all offenses that might be committed there at any time.

I do not know of another instance in the history of the Government where the National Government has been asked by a sovereign State to take jurisdiction over highways exclusively outside of our national parks and other Government reservations.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LEAVITT. This is not such a case as the gentleman suggests. This is a case in which the Federal Government asked the State to pass an act conferring concurrent jurisdiction upon the National Park Service in order that it might give protection to the people visiting that park.

Mr. STAFFORD. I understood from a reading of the bill that the State of Montana has already voted to confer jurisdiction upon the National Government over offenses committed on this highway.

Mr. LEAVITT. Yes. That was done by the State legislature in 1929; but at the suggestion of the Federal Government, in order that the Federal Government, which has its police force there, may protect it properly, this bill was proposed.

Mr. STAFFORD. Whether at the suggestion of the National Government, it does not infringe upon the statement I made that never before in the history of this Government have we, with consent or without consent, assumed police jurisdiction of highways outside of Government reservations.

Mr. LEAVITT. This is on an Indian reservation.

Mr. STAFFORD. Oh, yes. The enabling act here does not state that this policing shall be limited only as long as this highway is within an Indian reservation.

Mr. LEAVITT. And it should not be so limited.

Mr. STAFFORD. The gentleman from Montana goes to the very limit of surrendering all State authority and making the appeal in mendicant fashion, that they are not able, the great State of Montana is not able, to properly police its roads, but must call upon the National Government to do that which is essentially a State function.

Mr. LEAVITT. Will the gentleman yield further?

Mr. STAFFORD. I yield.

Mr. LEAVITT. The statement has been made that Montana is approaching the Federal Government in mendicant fashion, asking this. The State is not doing anything like that. The State has passed an act of its legislature conferring this concurrent jurisdiction, at the request of the Park Service.

Mr. STAFFORD. The State of Montana is surrendering its jurisdiction to the National Government, over essential police powers, over a highway that may ultimately be a public highway outside, and having no connection whatsoever with any national reservation.

Mr. LEAVITT. Will the gentleman yield again?

Mr. STAFFORD. Yes.

Mr. LEAVITT. The State of Montana nowhere within its boundaries has a police force on its highways.

Mr. STAFFORD. If it has not, then it should have, and the State of Montana is calling upon the National Government to do that which the State should do.

Mr. LEAVITT. Will the gentleman please allow me to complete my statement? The gentleman surely would not suggest that the State of Montana should go to one 60 miles of road and establish a police force to take care of the travel that is almost entirely due to the existence of a national park, when it is not able to do it anywhere else in the State?

Mr. STAFFORD. That argument shows the vice of the very principle involved in this bill. If we do it here, we will be called upon to do it in every instance where a highway leads into some kind of reservation. We will be called upon to do it, for instance, on Sheridan Drive, in Illinois, leading up to Fort Sheridan, and the Great Lakes Naval Training Station, because it might be claimed that most of the traffic on that highway is occasioned by going to the respective institutions. That is the vice of this precedent that is being established here, and I now call upon the gentleman, with all his erudition, to cite a concrete case where before in the history of the Government we have ever assumed police jurisdiction over highways outside of our reservations.

Mr. LEAVITT. I can not give any other case where so much of the road is outside of the boundaries of a national park, of course, because there is none. But at the same time when the Rocky Mountain National Park was created in Colorado it had crossing it numerous roads built by counties and by the State, and the State of Colorado conferred jurisdiction upon the Federal Government for that very purpose. It happened that those were within the boundaries of the park, but jurisdiction was entirely under the State.

Mr. STAFFORD. That is not a comparable case. That is the same as where the States have deeded property for national soldiers' homes, as in my home city. It is a well-established policy that the State surrenders all jurisdiction over that reservation to the National Government. Has the gentleman any other instance comparable to this? I take issue that there is any case in the history of the Government where we have done what we are attempting to do here for the first time.

Mr. LEAVITT. Since 1910 this road in its first and present location has been operated and maintained by the Federal Government as a part of the highway system of the Glacier National Park. It merely happens that in the running of the boundary line the contour of the country was such that the highway could not be constructed entirely within the boundaries. It is in every way a part of the highway system of the Glacier National Park.

Mr. STAFFORD. Oh, yes; operated and maintained by the National Government, our national highway system. It is but an easy step for the National Government to take jurisdiction over all publicly aided highways, because the National Government has contributed to the maintenance and operation. There is no well-defined difference between the gentleman's case and that which I have cited. It is only one of degree.

Mr. LEAVITT. The gentleman left out a part of my statement. I said "operated and maintained by the Federal Government as a part of the highway system of the Glacier National Park." The gentleman left out the last part of the statement.

Mr. STAFFORD. Yes. There are others similarly situated. Roads lead into the Yosemite National Park, but the National Government has not policed those highways. It is policed, and properly so, by the State of California. The State of California is not a mendicant.

Mr. LEAVITT. No; and neither is the State of Montana.

Mr. STAFFORD. The State of California is profiting by the large numbers that enter the Yosemite National Park, but the State of Montana is not willing to do its proper share in the receiving of large support by tourists that go to that State, but they say, "No; we will ditch upon the National Government all the liabilities that we can, even though they properly belong to the State government."

Mr. LEAVITT. Of course, the gentleman's statement seems unfair.

Mr. STAFFORD. I do not want to make an unfair statement to the State of Montana. But I do say—and the gentleman will not challenge this statement—that the State of Montana is trying to transfer a duty which properly belongs to it to the National Government.

Mr. LEAVITT. Will the gentleman contend that on an Indian reservation, without any white settlement in that section, it is the duty of the State of Montana to put on motorcycle police to patrol the only road that would be patrolled on that reservation or elsewhere?

Mr. STAFFORD. The gentleman refers to an Indian reservation. How long is it going to be an Indian reservation? We are providing for all time.

Mr. LEAVITT. It will be an Indian reservation for many years.

Mr. STAFFORD. It will be only a question of time—I will not be here, but the gentleman from Montana will probably be—before the gentleman from Montana will be seeking to have that Indian reservation opened to private settlement.

Mr. LEAVITT. No; I will not. That will never be done by any bill introduced by me, for it belongs to the Indians.

Mr. STAFFORD. Let that be as it may. I do not profess to be a constitutional lawyer, but I have given some study to constitutional subjects. I remember that when I first entered upon the study of the law my preceptor, who was later a member of the court, suggested that there was no need of giving close study to constitutional questions, because I would not have occasion to use them for 20 years. Well, I subsequently attended a law school, where I did study constitutional law as well as it could be studied, and I have naturally given some consideration to constitutional questions since. The section involved in the subject before us is clause 17 of section 8 of Article I. I will read it.

Mr. EATON of Colorado. Will the gentleman yield for a question before he reads the Constitution?

Mr. STAFFORD. Yes.

Mr. EATON of Colorado. I want to say, for the benefit of the gentleman from Wisconsin, that probably his experience has not put him in a position where he could find out what the Department of the Interior does and how the members of the Appropriations Committee of the House of Representatives badger these States in an effort to compel them to do the very thing about which the gentleman is complaining. In connection with the Rocky Mountain National Park, which was mentioned, and the Mesa Verde National Park, which was not mentioned, the Legislature of

the State of Colorado, year after year, from 1915 to 1929, was requested to give up its sovereignty. For 14 years they resisted that request, but in 1929 the demand was made in connection with all of the appropriations dealing with the national parks, and the Legislature of Colorado of 1929 did yield and do the thing the gentleman complains of; that is, they permitted the United States, upon the demand of the Department of the Interior, to have the United States officials police the roads and the entrances as well as the inside of the national parks. I am sure the gentleman never heard of it before. I am sure that if he had heard the chairman of the subcommittee last year, in the Seventy-first Congress, talk about these very things he would not take the position he is taking here to-day.

Mr. STAFFORD. I am not at all surprised that the heads of bureaus wish to increase their authority. I wish to say to the gentleman that I have learned that the natural propensity of bureau chiefs and bureau officers is to increase their authority. I learned that more than 25 years ago, when the gentleman was in swaddling clothes as compared to service in the House of Representatives. That was one of the first lessons I learned in my legislative work, that every head of a bureau and every head of a department wants to magnify the importance of his work, and Congress has the problem always to try to keep them within their proper spheres. Now, after giving that kind and considerate reply to my friend from Colorado, I will proceed to read the provision of the Constitution which I think is applicable in this case. You will notice, gentlemen, that the bill under consideration—and I am speaking very emphatically about this—I do not want to weary the House, and wish to assure the Members that we are going to finish the Calendar this afternoon in an expeditious way—provides for concurrent police jurisdiction over these highways. I wish to call the attention of the House, and particularly the attention of the constitutional lawyers of the House, to clause 17 of section 8 of Article I. It is the applicable clause.

To exercise exclusive—

Not concurrent—

legislation in all cases whatsoever over such District—

That is, the District of Columbia—

(not exceding 10 miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, and arsenals, dock yards, and other needful buildings.

I bottom my position in opposition to this bill upon the fact that there is nothing in the Constitution which grants to the Congress the right to accept from a State concurrent jurisdiction over any property that is not otherwise designated in this section.

There is a reason why the framers of the Constitution made this exclusive jurisdiction as to the designated places, and there is reason also in recognition of the existing polity that was then very sacred to the framers of the Constitution and the founders of the Government, that certain jurisdiction properly belonged to the States and other jurisdiction properly belonged to the National Government. In every instance in the history of our Government, where the people have gone awry on this fundamental principle of transferring to the National Government jurisdiction over matters which are essentially of State concern, the consequences have been detrimental to efficient government.

Mr. YON. Will the gentleman yield there?

Mr. STAFFORD. Yes.

Mr. YON. In connection with this question, the road is built in a location available for the use of people that want to go to the parks, but it happens to be on a Government reservation in that it is an Indian reserve. Does not the gentleman think the Constitution would apply there?

Mr. STAFFORD. I will say to the gentleman, in all frankness, that I am not opposing this bill with nearly the degree of opposition that I would have opposed the proposal to establish a national park in marsh land down at the southern end of Florida——

Mr. YON. We are not discussing that proposition now.

Mr. STAFFORD. Because the main purpose of that bill was to spend money for the building of roads through that marsh and along the seacoast for the pleasure seekers of the country at the expense of the National Government.

I can not yield to the gentleman further.

Mr. LOOFBOUROW. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LOOFBOUROW. The gentleman from Wisconsin recognizes the fact that the Constitution of the United States is a grant of power by the States to the Federal Government, and the provision there specifies what power the Federal Government shall have. Here is an instance where a State expressly consents that there shall be concurrent jurisdiction. Can there be any objection to that under the Constitution?

Mr. STAFFORD. Yes; because it violates the fundamental principle of the Constitution that that which belongs to the States shall be held by the States, and that which belongs to the National Government shall be held by the National Government.

Mr. LOOFBOUROW. The State here expressly consents through its legislature and offers this jurisdiction.

Mr. STAFFORD. Yes; but jurisdiction outside of expressed limitations of the Constitution can not be conferred by mere legislative dictum. The legislature of a State could not confer upon the Federal courts jurisdiction over crimes committed outside of Government reservations, even with the assent of Congress, because such a grant of power is not within the scope of the National Government under the Constitution. I have now set forth the basis of my objection.

I reserve the balance of my time, and yield 10 minutes to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman, I am opposed to the enactment of this bill. I am not opposed to the purpose desired by the committee reporting it. I am opposed to the enactment of this type of class legislation because of the consequences that will follow.

The Park Service lands are near this highway. The Park Service lands are rugged and the building of a road through these lands was difficult, with the result that the road was built through a near-by Indian reservation. The Park Service has its court, the State of Montana has its courts, and a crime of any kind committed on this highway, which is in the Indian reservation, is triable in the courts of the State of Montana. This bill undertakes to give to the Federal court the right to try offenses that are committed on this highway, which is not within the Federal jurisdiction.

If a State can transfer jurisdiction over offenses committed within its boundaries from its State courts to the Federal courts, and the Congress in turn can assume jurisdiction of offenses committed wholly within the jurisdiction of the State, the consequence will be that in time every crime triable in State courts can ultimately be transferred to Federal courts and State courts will disappear.

Mr. LOOFBOUROW. Will the gentleman yield?

Mr. COLLINS. No; not now.

Eqorts to pass legislation of this type have been made in this House before. I refer to the antilynching bill. This legislation is of the same type. There is just as much constitutional authority to transfer jurisdiction in the one case as the other. I want to warn you that when you attempt to transfer to the Federal courts authority to try cases in the Federal courts involving crimes committed wholly within the jurisdiction of the State, you are attempting to barter away a power that under the Constitution I am convinced belongs exclusively to the States. Hence, when this bill came on the floor of the House on the Consent Calendar I objected to it.

I feel that the Park Service ought to be helped, if it can be helped. Under existing circumstances these cases can be tried now in the State courts, and the distance to the nearest

State court is very little longer than the distance to the district Federal court.

Mr. SWING. Will the gentleman yield at this point?

Mr. COLLINS. I yield.

Mr. SWING. If this should be undertaken to be availed of as a preference, of course, there would have to be an act of your State legislature consenting to it.

Mr. COLLINS. No; I do not concede that the States have the right by legislative enactment to transfer to the Federal courts jurisdiction that the Constitution of the United States imposes solely upon them.

I am not objecting to this bill because it affects one section. I objected to a similar bill transferring jurisdiction over offenses committed on the highway that runs from Washington to Fort Myer because the same question was involved there.

Mr. LOOFBOUROW. Will the gentleman yield?

Mr. COLLINS. I yield.

Mr. LOOFBOUROW. If the acts are committed on the Indian reservation, the Federal law applies and the Federal court would have jurisdiction. This road runs entirely through the Indian reservation and it does not change the jurisdiction.

Mr. COLLINS. The jurisdiction now is in the State court. The Director of the Park Service told me a few minutes ago that offenses committed on this highway are triable in State courts.

Mr. Chairman, I yield back the remainder of my time.

Mr. LEAVITT. Mr. Chairman, if I thought there was any possibility of any such result, as suggested by the gentleman from Mississippi, I would not be presenting this bill here.

Here is a case where the government of the State has been turned over to the Federal Government for supervision and control of the road within certain limits. All this bill does in effect is to establish concurrent police jurisdiction over the right of way over which the road runs, and which is really a part of the Glacier Park highway system. It says that so far as the protection of the public is concerned it shall be under the same rules and regulations as the area within the national park which is served by this highway. That is all there is to it.

There is in it no jurisdiction, except over speeding and reckless driving. It has nothing to do with general jurisdiction over criminals. It only allows the jurisdiction of the Park Service to be extended over the right of way for the protection of the traveling public. This is in reality a part of the highway system of the national park.

Mr. COLLINS. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. COLLINS. The way this ought to be handled is to get a bill through Congress transferring this road to the national park. Then the Federal courts will have jurisdiction of offenses committed on it.

Mr. LEAVITT. That is probably true, but the road runs over an Indian reservation.

Mr. COLLINS. The suggestion I made to the gentleman is the proper way to handle the matter. The gentleman from Mississippi [Mr. RANKIN] introduced a bill and it is now the law making the road from Corinth, Miss., to Shiloh National Park a part of the Shiloh National Park. You could do the same in this instance.

Mr. LEAVITT. You could not do it immediately, for the reason that the Indians would have to consent to have the transfer of the jurisdiction. Without their consent, I would not ask for it. If there ever comes a time when the Indians are willing to have it done, that would, of course, be a happy solution. Meanwhile this bill merely gives jurisdiction, police control, over speeding and reckless driving on the highway used by the people of the United States, for their protection. It is not for the benefit of the Park Service or for the State of Montana. It is for the benefit of the people of the whole country who travel there. If the contour of the land were such that a road could be constructed with the boundaries of the park, it would then be under the jurisdiction completely of the Park Service, but it can not be built within the boundaries of the park, because the country is too rough. So, with a general agreement on the part of the State and at the request of the Federal Government, through the Park Service, this bill proposes to accept the grant given by the State of Montana of concurrent police jurisdiction on the highway.

Mr. EVANS of Montana. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the provisions of the act of the Legislature of the State of Montana, approved February 27, 1929, granting to the United States concurrent police jurisdiction over and within all the territory which is now or may hereafter be included in the rights of way of the Blackfeet Highway, including the highway itself throughout its length between Glacier Park Station and the Canadian boundary line, and including also the rights of way of the highways on the Blackfeet Indian Reservation connecting the Blackfeet Highway with the Glacier National Park road system, including the highways themselves, are hereby accepted, and the laws and regulations of the United States relating to and while in force within the Glacier National Park, so far as applicable, are hereby extended over and within the territory of said rights of ways and highways.

SEC. 2. The Secretary of the Interior shall notify in writing the Governor of the State of Montana of the passage and approval of this act, and so far as the interests of the United States shall require the said Secretary shall exercise administrative control and jurisdiction over said rights of way and highways through the National Park Service.

SEC. 3. The United States commissioner for the Glacier National Park shall have jurisdiction under the provisions of the act of August 22, 1914 (38 Stat. 699), of violations of law or the rules and regulations of the Secretary of the Interior in force within said rights of way and highways.

Mr. EVANS of Montana. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARKER of Georgia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8914 and had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 23, noes 8.

So the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GRANTING SAN DIEGO, CALIF., CERTAIN INDIAN LANDS

Mr. EVANS of Montana. Mr. Speaker, I call up the bill H. R. 10495, amending an act of Congress approved February 28, 1919 (40 Stat. L. 1206), granting the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water, and for other purposes, so as to include additional lands, which I send to the desk and ask to have read.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union and the gentleman from Georgia, Mr. PARKER, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10495, with Mr. PARKER of Georgia in the chair.

Mr. EVANS of Montana. Mr. Chairman, I am advised that this bill is an emergency matter for the purpose of securing water for one of the cities on the Pacific coast. I yield to the gentleman from California [Mr. SWING], the author of the bill, to make a statement in respect to the bill.

Mr. SWING. Mr. Chairman, in 1919 Congress passed an act transferring the title to 1,940 acres of land to the city of San Diego to build a reservoir for which the city was to pay a price determined by a condemnation suit. The proceedings under that act have all been complied with, and the city was ready to build the dam when it found that the amount of land which it had asked for in 1919 was not quite sufficient to take care of the reservoir that they now plan to provide water required for the increased population of the city of San Diego. Nine hundred and twenty additional acres will be needed. Therefore, they come back to Congress and ask permission to purchase these additional 920 acres at the same price they paid for the other and have it included in the reservoir site with what they purchased in 1919. The city is ready to let the contract. It will aid in the effort to relieve unemployment in that part of the country. The water is badly needed for the increased population of the city. There are provisions in the bill that have been requested by the Government in the interest of the Indians, which have been agreed to by the city and approved by the committee. I sincerely trust that the bill will be passed.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Montana yield me 15 minutes?

Mr. EVANS of Montana. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, the report of the Commissioner of Indian Affairs is rather involved. I wish to make some inquiry to rather remove some doubts I have about the bill. Back in 1919 we granted to the city of San Diego certain flowage rights in this Indian reservation in consideration that they would pay for the 1,940 acres the sum of $75,000, and in addition thereto that they would pay the award that would be determined by the Secretary of the Interior for damages that the Indians might suffer by reason of the removal of their homes from these inundated lands, which amounted, according to the report of the Secretary of the Interior, to $286,428, or a total for land and damages of $361,428. By this bill you are seeking to secure additional land because it is the desire of the city of San Diego to raise the crest of the dam some 20 or 27 feet, which will take an additional 920 acres. For these 920 acres you are paying nearly the same rate that you paid for 1,940 acres, but you are not making any provision whatsoever for any damages the Indians may suffer by reason of the inundation of this land, as you did in the other case. Why?

Mr. SWING. The reason is obvious.

Mr. STAFFORD. It is not obvious from the report. I read every line of it, almost until midnight last night.

Mr. SWING. Under the original act the Secretary of the Interior figured out very generously what it would cost to move each of these 127 Indians, put them on other pieces of ground, build them new homes, build them barns, give them fences, and all other equipment necessary, and establish them completely anew. That was all taken care of in the figure which was estimated by the Secretary, and which has been paid by the city of San Diego. Of course, it is not necessary to again pay for the moving of these same 127 Indians. They are the same 127 to-day that they were in 1919. The money is in the hands of the Secretary to move them, and he said then, and he says now, that that is ample to move them and rehabilitate them on new and better ground than they are on at the present time.

Mr. STAFFORD. Is the gentleman personally acquainted with this territory?

Mr. SWING. I am; yes. I have been on it.

Mr. STAFFORD. Does the gentleman contend that there are no habitations on these additional 920 acres which will be required by reason of increasing the height of the dam?

Mr. SWING. The Secretary in his estimates under the 1919 act has contemplated the removal of all the Indians, and included the cost of removing all in his original estimate.

Mr. STAFFORD. Will the gentleman also inform the committee as to the securing of water rights to those Indians, if this bill is enacted, which takes away their water rights on their present reservation?

Mr. SWING. The water rights of the Indians as they were before the act of 1919, before there was any encroachment upon their land, will be preserved for them after this act is passed. If they stay upon the remainder of this reservation, they will have leave to utilize and develop such water as they had the right to use before the act of 1919 was enacted. If they should elect to go some place else, and the Government buy for them new lands within the drainage area of the San Diego River, they are accorded under this bill the right to transfer whatever rights they now have to the new lands to which they might be removed.

Mr. STAFFORD. So the water rights of the Indians on the new lands are amply protected under the provisions of the present bill?

Mr. SWING. Two attorneys for the Indian Bureau gave that their serious consideration and so testified before the Committee on the Public Lands.

Mr. STAFFORD. Now, may I have the attention of the chairman of the committee? I was rather misled last evening when I was studying this bill by the bracketing of the bill so as to give information to the House in conformance to the so-called Ramseyer rule.

I direct the gentleman's attention to page 7, where there is bracketed all language from the first line down to the end. I gleaned from that, when I was reading the report—and it is my rule usually to read the report before I read the bill—and that language was all eliminated from the bill, whereas, upon examination of the bill, I find that it is all incorporated. I did not wish to raise a point of order against the bill, as I might have done, in not complying with the Ramseyer rule, because it does not. Will some one acquaint me at least with the purpose of putting in brackets matter that is virtually incorporated in the bill under consideration?

Mr. SWING. As the gentleman knows, the Ramseyer rule is not entirely capable of self-execution. It reads:

Do it one way or the other, so that the changes are indicated.

All of the subject matter within brackets is new matter which is added to the old act. Not being able to write in italics myself, I put in brackets the new language, and on the margin of the copy I wrote "put in italics the language within brackets." The printer saw fit to exercise his discretion, which he frequently exercises, and printed the new language in brackets.

Mr. STAFFORD. This is the fault of the typographical devil, then, rather than the gentleman from California.

Mr. SWING. I do not like to blame them, because sometimes they save us from ourselves, but all within brackets is new language added to the act of 1919 by way of amendments.

Mr. STAFFORD. This is the first time I have known the Public Printer to receive blame for not properly acquainting the House with the information——

Mr. SWING. I want to compliment the printers. Many times they save us from grammatical errors, wrong quotations, dates, and so on.

Mr. STAFFORD. I realize the gentleman is a candidate for the United States Senate and is indulging in every opportunity to pay compliments.

Mr. SWING. I will even pay the gentleman from Wisconsin a compliment.

Mr. STAFFORD. I am glad the gentleman has changed his position as far as I am concerned, and I hope that when he leaves this House he will not indulge in the character of epithets that he has used in times past, as far as the Representative from the State of Wisconsin is concerned.

Mr. SWING. I am happy to be able to compliment the gentleman from Wisconsin for the many valuable services he has rendered the House and the country during his long service here.

Mr. STAFFORD. Mr. Chairman, I yield back the balance of my time.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of an act of Congress approved February 28, 1919, granting the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water and other purposes, be amended to read as follows:

"That the east half southwest quarter southeast quarter and the south half northeast quarter southeast quarter section 5; the south half northeast quarter northwest quarter and the north half southwest quarter section 8; the west half southwest quarter southwest quarter and the west half northeast quarter northwest quarter section 9, all in township 15 south, range 2 east, San Bernardino base and meridian, within the Cleveland National Forest; and the southwest quarter southwest quarter, the east half southwest quarter, the northwest quarter southeast quarter and the west half northeast quarter southeast quarter section 11; the north half northwest quarter and the southwest quarter northwest quarter section 14; the southeast quarter southwest quarter, the southwest quarter southeast quarter, the east half southwest quarter southwest quarter, the northeast quarter southwest quarter, the east half northeast quarter northwest quarter, the east half southeast quarter northwest quarter, the northeast quarter, the north half southeast quarter and the southeast quarter southeast quarter section 15; the northeast quarter southeast quarter section 21; the northwest quarter northeast quarter, the northwest quarter, the north half southwest quarter, the southwest quarter southwest quarter, the west half northeast quarter northeast quarter, and the south half northeast quarter section 22; the west half northwest quarter section 27; the east half northeast quarter, the southwest quarter northeast quarter, the southeast quarter, the east half northeast quarter southwest quarter, the east half southeast quarter southwest quarter, and the east half northwest quarter northeast quarter section 28; and the northeast quarter, the west half southeast quarter, the east half southwest quarter, the southeast quarter northwest quarter, and the east half northeast quarter northwest quarter section 33, all in township 14 south, range 2 east, San Bernardino base and meridian; also the north half southwest quarter, the southwest quarter southwest quarter, the west half northwest quarter southeast quarter, the west half southwest quarter southeast quarter, and the north half southeast quarter southwest quarter section 3; and lots 2, 3, 6, 7, 8, 9, 10, 11, and the south half section 4, all in township 15 south, range 2 east, San Bernardino base and meridian, with the Capitan Grande Indian Reservation, all within the county of San Diego and State of California, are hereby granted to the city of San Diego, a municipal corporation in said county and State, for dam and reservoir purposes for the conservation and storage of water, whenever said city shall have provided compensation as hereinafter specified for all property rights and interests and damages done to Mission Indians located upon the Capitan Grande Indian Reservation: *Provided*, That the lands herein granted shall not be sold, assigned, transferred, or conveyed to any private person, corporation, or association; and in case of any attempt to sell, assign, transfer, or convey, or upon a failure to use and apply said lands exclusively to the purposes herein specified, this grant shall revert to the United States: *Provided, however*, That proceedings to acquire the 920 acres of additional land granted by this act, as herein amended, by eminent domain of the State of California, as authorized by the provisions of this act herein contained, may at the option of the city of San Diego be dispensed with, and if the said city so elects and upon payment by said city as compensation for such lands, rights, interests, and damages of the additional sum of $35,567.20, the Secretary of the Interior of the United States is hereby authorized and directed to issue to said city a patent in fee simple conveying all the rights, titles, and interests of the said Indians and of the United States in and to all of the lands herein above described: *Provided further*, That no provisions of this act and nothing done in carrying out its provisions, as between the United States, said Mission Indians, and their grantees shall in anywise limit or terminate any rights within the Capitan Grande Indian Reservation of any person, persons, or corporations heretofore granted or conveyed under or by authority of the laws of the United States.

"No provisions of this act and nothing done in carrying out its provisions shall have the effect of terminating or limiting the rights of said Capitan Grande Indians or of the United States in or to the lands or in the waters flowing in or along the lands remaining in and forming a part of the Capitan Grande Reservation after the city of San Diego has acquired title to the lands herein granted: *Provided*, That in the event the Indians of the Capitan Grande Reservation, or any of them, are located on addition land or lands purchased by the United States for them and situate within the watershed of the San Diego River, the said Indians or any of them or the United States in their behalf shall have the right to transfer to such additional land or lands, in whole or in part, such water rights as they or the United States possess on the Capitan Grande Indian Reservation, and subject to the conditions hereinafter provided shall have the same right to develop and use a like quantity of water on such additional land or lands as they have heretofore had the right to develop and use within said reservation: *Provided further*, That the total quantity of water developed and used by the said Indians or by the United States in their behalf, including the use continued on the diminished reservation, shall not exceed in the aggregate the total quantity of water which said Indians or the United States in their behalf have heretofore had the right to develop and use within the Capitan Grande Indian Reservation.

"The grant herein to the said city of San Diego is hereby expressly made subject to such rights, which rights shall not be subject to loss by nonuse or abandonment thereof so long as the title to said lands remains in the Indians or in the United States.

"The funds paid and those to be paid by the said city of San Diego as compensation to the Capitan Grande Indians for their lands shall, in addition to the uses in the act of February 28, 1919 (40 Stat. L. 1206–1209), for the removal of said Indians as a tribe, be available also for reestablishing individually or as a group or groups the Capitan Grande Band of Indians, including those residing within the Conejos Valley of the retained reservation, on tract or tracts of land to be acquired by purchase or otherwise for them, and for the acquiring of water rights including cost of transferring in whole or in part their present water rights to such other lands, construction of necessary water works, including the development of a water supply, for domestic and irrigation purposes, purchasing or building homes, purchasing of household furnishings, farm equipment, livestock, and other improvements for the benefit of these Indians under such rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That those Indians desiring to remain on that part of the Capitan Grande Reservation not disposed of under this act may remain thereon and receive such benefits there."

With the following committee amendment:

On page 2, in line 3, after the quotation marks, strike out "That the east half southwest quarter southeast quarter and the south half northeast quarter southeast quarter section 5" and insert the word "That."

The committee amendment was agreed to.

Mr. EVANS of Montana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Montana: On page 3, line 18, strike out the word "with" and insert in lieu thereof the word "within."

The amendment was agreed to.

The Clerk reported the following committee amendment:

On page 7, insert:

"SEC. 2. Nothing contained in section 1 hereof shall be held, deemed, or construed as affecting, altering, or in any wise changing the rights of the riparian owners under the provisions in the act approved February 28, 1919."

The committee amendment was agreed to.

Mr. EVANS of Montana. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARKER of Georgia, Chairman of the Committee on the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10495) amending an act of Congress approved February 28, 1919 (40 Stat. L. 1206), granting the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water, and for other purposes, so as to include additional lands, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the bill, as amended, do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EVANS of Montana, a motion to reconsider the vote by which the bill was passed was laid on the table.

INCLUSION OF CERTAIN LANDS IN THE COEUR D'ALENE AND ST. JOE NATIONAL FORESTS, STATE OF IDAHO

Mr. EVANS of Montana. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill (H. R. 6659) for the inclusion of certain lands in the Coeur d'Alene and St. Joe National Forests, State of Idaho, and for other purposes.

The SPEAKER. The gentleman from Montana calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6659) for the inclusion of certain lands in the Coeur d'Alene and St. Joe National For-

ests, State of Idaho, and for other purposes, with Mr. PARKER of Georgia in the chair.

The Clerk read the title of the bill.

Mr. EVANS of Montana. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. EVANS of Montana. Mr. Chairman, I yield to the author of the bill, the gentleman from Idaho [Mr. FRENCH], such time as he may desire to use.

Mr. FRENCH. Mr. Chairman and gentlemen of the committee, I think a brief statement will suffice to explain the provisions of this bill.

President Roosevelt emphasized the importance of preserving the national forests of the United States under laws that had been passed by extending forest areas in Idaho and in other States 30 years ago. The pending bill provides for making available for forest-reserve purposes approximately 500,000 acres of land in northern Idaho in the counties of Shoshone, Kootenai, Benewah, and Latah.

Prior to the inclusion of areas in forest reserves adjacent to the areas referred to in this bill the lands herein were permitted, for the most part, to pass into private ownership, in part through grants to the Northern Pacific Railroad aggregating something over 100,000 acres, but for the most part through public land laws, chief of which were the homestead, the timber, and stone and the preemption laws. Most of the entries were made between 30 and 40 years ago. During the last 30 years most of this land has been cut over, the valuable part of the timber has been sold, and now has come a time when the United States, the State of Idaho, and the counties are interested in what is going to be the future of this sizable area.

The land has very little value when the timber has been removed. It is relatively high and rugged and in a region that is subject to frosts, and, therefore, is not fit for successful agricultural purposes other than grazing. The land is not of such value as to justify the owners, in many instances, in retaining it, and the land is beginning to slip back to the counties for nonpayment of taxes.

It is a fire hazard at this time, hazardous to adjacent lands owned by the Federal Government and hazardous to the areas themselves, because whatever new growth of timber is coming on is constantly menaced and threatened by fire.

About 100,000 acres are now public land, the balance, something like 400,000 acres, being the land to which I have just referred as having passed from Government ownership.

Mr. GOSS. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GOSS. Will the gentleman explain this language in the commissioner's report:

> This would permit private owners to exchange their lands within the area for an equal value of national forest timber or land in the State, including the public lands within the area.

Mr. FRENCH. I was coming to that in just a moment. Now, what does the bill do? It provides for extending the provisions of the act of March 20, 1922, to this area. In other words, the area is not arbitrarily included within the national forest reserves, except the part that is public land. As to the other area, the provision of the act of March 20, 1922, is extended, under which provision the Federal Government would have the privilege of exchanging lands, either public lands or lands within the national forest, or timber thereon, with the private owners of land in compensation for their land. The exchange would be made upon the basis of actual values. In that way the lands would be acquired by the Federal Government, and as they would be acquired would be included within either the St. Joe or the Cœur d'Alene National Forest. This would bring these two forests together. The lands now are like a wedge in between the two Government-owned forest areas.

Mr. GOSS. Is there any difference in the value of the land which would be exchanged by this transfer?

Mr. FRENCH. Surely; and that is the merit of the act of March 20, 1922. In other words, under that act, as the gentleman will notice, regard is had for the values of the land.

Mr. COLLINS. Will the gentleman yield to me?

Mr. FRENCH. Yes.

Mr. COLLINS. The owners of these lands, in order to insure fire protection, formed their own fire-protection societies. The burden of providing proper fire protection is very onerous and the purpose of this bill is to transfer the cost of providing protection against fire from the shoulders of the private organizations to the Federal Government, is it not?

Mr. FRENCH. That is not the purpose of the bill; no.

Mr. COLLINS. But that is the effect?

Mr. FRENCH. Well, in part, for it is receiving almost no protection now—the cut-over land. So long as the land is covered with timber that is valuable, private owners will protect it. But the owners have cut a very large part of the timber. This has been their policy, and as the timber is cut off, the land passes into the same condition that pertains to the cut-over lands in Michigan, Wisconsin, Pennsylvania, and other States where the false policy of many years ago was followed, of stripping the lands of their valuable stands of timber and not providing for reforestation at the same time. We are trying in this bill to stop this wicked waste. We do have fire-protective associations in which you will find private owners, sometimes just individuals and sometimes lumber companies; together with the State because of its ownership of land; together with the Federal Government because of its extensive ownership. The theory is that all should combine in bearing the cost of fire protection.

Mr. COLLINS. And if this bill goes through quite a burden will be lifted from their shoulders and transferred to the Treasury of the United States.

Mr. FRENCH. To some extent, and with the burden would go certain benefits, and in the great long run enormous benefits.

Mr. COLLINS. The gentleman has just stated that the lands have no value.

Mr. FRENCH. I would say that the cut-over lands have little value at this time for agricultural purposes. They have some immediate grazing value, but their main value lies in their suitability for new forests that in another 40 or 50 years and beyond will mean merchantable timber, and in their value for holding back the moisture fall for areas below.

Mr. COLLINS. The costs will be shifted to the Federal Treasury.

Mr. FRENCH. In a sense, yes; but unless this be done, there will be little gain for anyone and immense loss for a great section of country for the years to come. Under the laws of the several States the citizens of the State do not feel like exempting lands from taxation, particularly when the lands are owned by companies. Therefore, companies as a rule do not find it profitable to adopt the policy of long-time cutting over a period of forty or fifty or a hundred years, retaining in the area a crop that will come on every year. On the other hand, the Federal Government will not be subject to taxation and is better suited to hold the land for the growing of timber for all purposes through the future years.

This area has produced most valuable timber and will again, and it ought to belong to some agency that can think in terms of the great future and of public welfare.

Mr. BROWNING and Mr. EATON of Colorado rose.

Mr. FRENCH. I yield first to the gentleman from Tennessee.

Mr. BROWNING. Whom will this timber belong to when it grows there 40 years from now?

Mr. FRENCH. If the land should be acquired by the Government, the timber would belong to the Government and be disposed of as other timber now owned in the national forests.

Mr. COLLINS. Provided the Government buys it.

Mr. FRENCH. Yes.

Mr. BROWNING. In what status will that land be when this bill is passed? Will the land then belong to the Government?

Mr. FRENCH. As I said in the earlier part of my remarks, under the bill the public lands will at once become a part of the national forest. As to the other lands that are now privately owned, they will become part of the national forest only as the Government acquires them, and then as the Government acquires the lands they will be included in the national forest.

Mr. EATON of Colorado. Is it not just as true to say that for every acre that is taken away and goes into the United States Government under a bill of this sort, the counties and the State lose the taxes from that land?

Mr. FRENCH. That is true. Ultimately, however, as the gentleman well knows, the counties would receive back the 25 and 10 per cent from whatever profits would come from the lands for school and road purposes.

Mr. EATON of Colorado. In other words, it is really giving up by the State to the Federal Government control of lands which otherwise would be under their control, and is not a charge upon the Government, but is something that they could get some benefit out of; is not that true?

Mr. FRENCH. That is true. Consider another factor. Some of these lands are going back to counties for nonpayment of taxes. But counties are not able to handle them. Counties should not be asked to set up county forest-administration work to be carried along beside the work of the National Government. The counties would need to dispose of the land in some way, because counties are not organized upon such a basis as to be able to handle forest lands. Ultimately, I have no doubt the lands will go to the State or the Federal Government for forest purposes. I should like to see this done now, so as to save the precious years of time so valuable and necessary in the life of a tree.

Mr. GOSS. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GOSS. In the public act the gentleman referred to it says:

> Timber given in such exchanges shall be cut and removed.

That is mandatory. When it refers to timber, does it refer to stumpage, or does it refer to logs, or just what does it refer to?

Mr. FRENCH. I think if the gentleman will read the act again he will see that the mandate refers to the manner of cutting the timber. The act says the timber "shall be cut and removed under the laws and regulations of the Forest Service"; in other words, in passing the law the Congress sought to prevent a lumber company from trading for timber and going in and cutting the little trees and the big trees—everything of value—off a great area and making it look like the abomination of desolation. Rather, the Congress undertook to require that such timberlands be treated as other forest lands are treated under the national forests, the large ripe timber being cut, the new growth being permitted to stand, and in this way to take its place in later years as a merchantable crop.

Mr. GOSS. There is a good deal of difference between the value of the stumpage and the value of the land itself.

Mr. FRENCH. Surely; and the Government may do one of two things: In some places the Government may exchange lands and timber that are public domain or within a national forest for the land it may seek to acquire. Or, again, in most instances, I assume, the Government will trade stumpage and not the land itself.

Mr. GOSS. Yes. But, as I say, there is a good deal of difference between stumpage and the land itself; that is, the stumpage value. Has the gentleman any idea what it will cost the Government to cut out the undergrowth and get ready for cleaning up for second-growth timber, as it would have to be done in the national forests, and the organization for cutting down the timber and having it sold under the terms of the public act?

Mr. FRENCH. We have not reached the stage in the Northwest in the great forest areas that embrace many millions of acres—in the State of Idaho some 27,000 square miles within national forests—we have not reached the time, I say, and perhaps it is a long time off, when it will be possible to keep the area as clean as the public and private woodlands in the East are kept. The Government, however, as timber is cut, ought to have the right to have it cut along the methods provided by the national forests, so that good merchantable timber will be felled, and the rest of the timber prevented from being destroyed.

Mr. GOSS. As I have said, there is a great difference between the stumpage and the actual timber value. There is a great deal of difference of what it would cost the Government in the exchange of stumpage rights, and the actual timberland, and putting it in shape for timber growing. I know something about this, for I have been out in these national forests. It might cost considerable money to clear it off for fire protection and for second-growth timber. If we do it on the basis of exchange of stumpage, that is another thing.

Mr. FRENCH. The Government would not exchange timber with a company and permit it to go in and leave the land with a lot of fallen timber and débris that would be a fire hazard.

Mr. GOSS. Where is there any provision in the bill to stop that?

Mr. FRENCH. The act under which the exchange would be made provides that it shall be cut under such rules and regulations as pertain to the national forests and under the direct supervision in accordance with the requirements of those regulations.

Mr. GOSS. Under regulations of the department you would be required to clear it of brush and that would be more expensive. I am asking the gentleman if he can tell the House what it will cost in making the exchange on a stumpage basis.

Mr. FRENCH. I am sorry to say that I can see no possible basis for a definite answer. The land would need to be appraised, every acre of it; any timber would need to be estimated. At this time there can be no certain figure of cost.

Mr. GOSS. When we receive this land we have to take care of it under the regulations of the department.

Mr. FRENCH. Yes.

Mr. GOSS. For fire prevention and other things. Surely there must be some past experience that would give us an idea of how much per acre it would cost to clear that land and keep it under the terms of the regulations of the department. What has it cost in the past? How many acres are involved in it?

Mr. FRENCH. With what has been eliminated, something like 500,000 acres.

Mr. GOSS. It will be quite an expense to take care of that after we get it into the national forest preserves, under the terms of the exchange, on either stumpage or exchange of timber, where the act states that we must cut the timber. It is mandatory that it will be given in exchange and shall be cut and removed under the law, and as I say under the law removing and cutting out this underbrush is a tremendously expensive job. In fact, it is dealt with on a purely stumpage basis. If this bill passes, it seems to me that it would cost the Government a large sum of money to accept 500,000 acres under the terms of the exchange.

Mr. FRENCH. I think the gentleman does not quite understand the way in which the Forest Service handles the exchange of timber for lands.

Mr. GOSS. I would be very glad to get an explanation.

Mr. FRENCH. Under the language to which I referred a moment ago, the person who acquires timber in exchange and cuts it must leave the area from which he takes the timber clean, must burn the brush, must handle the removal of timber under forest reserve supervision. That is true under the Federal laws and policies, and it is true under our State laws, and the burden of this work is upon the purchaser of the timber. When it comes down to the precise cost of the exchange, that is a matter that will turn upon close appraisals under a law that has been in force and applied for 10 years. The exchanges provided for in the

pending bill would probably require some years of time to consummate.

Mr. GOSS. And there again we come back to the old question of stumpage on the one hand, which is just purely the timber rights, and on the other hand, the actual land with the timber rights, regardless of who cuts it, for it has to be cleared under the regulations, and that will be taken into account in connection with the exchange of property.

Mr. FRENCH. It probably would.

Mr. GOSS. Therefore it seems to me that a tremendous amount of money would have to be appropriated to take care of 500,000 acres. How many thousand feet of timber grow to the acre in Idaho, offhand?

Mr. FRENCH. A great deal of this land, the timber from which has been cut, has produced all the way from two million feet to four million feet board measure to the quarter section. Some areas have little timber, some great stands.

Mr. GOSS. That is quite a bit when you spread it over 500,000 acres.

Mr. FRENCH. The gentleman overlooks that most of this area is cut-over land, and the land itself does not have great value.

Mr. GOSS. If it has been cut over by private industry, usually they go in and have no regard for the underbrush, for any trees that are left there. They cut off absolutely what they want, and the thing is a bad waste almost to look at it. I have been over lots of this timber land. If it was taken off by private industry, and then you want to make the change without the stumpage, it seems to me it would be an expensive thing to do on such a large amount of land.

Mr. STAFFORD. Mr. Chairman, the gentleman from Idaho has been for many years on the Committee on Appropriations. Will the gentleman tell the committee what the expense per acre is of our national forests?

Mr. FRENCH. I should say for fire protection purposes, which will be the essential expense here, that it would run not over 7 to 10 cents per acre. The cost probably throughout the years would be not over $35,000 to $50,000. I should like my colleague from the adjoining State—Montana—who, before he came to Congress, for years had experience with the Forest Service, to give us his opinion on that point. I have estimated that it would cost for fire protection probably not over 7 to 10 cents per acre.

Mr. LEAVITT. I think that is approximately right.

Mr. FRENCH. But in return the Forest Service would receive income from grazing fees and from sale of timber as the years would run along.

Mr. GOSS. What is stumpage worth in Idaho per 1,000 feet?

Mr. SMITH of Idaho. That would depend upon the character of the timber and the distance from the market.

Mr. GOSS. That is the point.

Mr. SMITH of Idaho. And the demand for the lumber.

Mr. GOSS. Idaho is a lumbering State and has a great deal of timber of various kinds. Therefore, in these exchanges I am trying to point out to the House that we have no idea of knowing how much money would be involved if you are dealing on the basis of stumpage.

Mr. SMITH of Idaho. This bill provides that exchanges shall be made for equal value and not for equal area. The gentleman from Wisconsin has referred several times during my service here with him to the timber frauds in the West, which occurred 25 or 30 years ago.

Mr. STAFFORD. And they were partly perpetrated on this very land by the Northern Pacific Railroad.

Mr. SMITH of Idaho. Yes; because of the fact that the law provided the exchanges should be on the basis of equal area, but this bill and others enacted during the last 25 years provided for exchanges of equal value.

Mr. STAFFORD. Let us get the practical question before the committee as to what the ultimate cost of maintenance of this forest reserve is going to be.

The gentleman from Idaho [Mr. FRENCH] states that the cost of fire protection would be in the neighborhood of 10 cents an acre, but what is the other cost for maintenance of the forest reserve? As I view this bill, it is sought in this instance to impose some local burdens upon the National Government for the main purpose of conservation. Is it worth while, as far as costs are concerned, to the National Government? That is the question. In Wisconsin we are taking care of our own fire protection on our privately owned lands. By this act it is sought to have the National Government undertake work that properly belongs to the State or to private interests. There are hundreds of thousands of acres included in this tract that belong to railroads or subsidiaries. I want to know just how much benefit is going to be conferred on those private interests, as far as privately owned lands are concerned.

Mr. SMITH of Idaho. When additional lands are put into an existing national forest, the additional expense of fire protection and the expense of administration amounts to but very little, because in the case of a fire in the forest they have the force there, and they can get control of it much quicker if it is all within the control of the Federal Government than if a part of it is in control of the State, which might not have proper protection afforded, or in the case of private ownership, where they might not have protection.

Mr. STAFFORD. In this case the report shows that this land, under private control, has private protection maintained by themselves. I wish to ask the gentleman from Idaho, who is the sponsor of this bill, whether this bill primarily is to relieve these privately owned lands of the burden of properly conserving their lands as far as fire is concerned and imposing that burden upon the National Government?

Mr. FRENCH. Oh, no; that is not the purpose of the bill.

Mr. STAFFORD. It will have that incidental effect.

Mr. FRENCH. The Government will take on no duties except as it acquires land. Owners of timberland will continue to share in protecting their own timber. Their cut-over lands they are not protecting now. We want them protected.

Mr. STAFFORD. But how about the privately owned lands? Hundreds of thousands of acres are owned by the Northern Pacific Railway. Are we going to come to their relief and assume a burden that they are now assuming themselves?

Mr. FRENCH. May I say that the Northern Pacific has disposed of practically all its holdings.

Mr. STAFFORD. Well, then, take the Milwaukee interests, the Milwaukee subsidiaries, which bought lands in large quantity up there, running into thousands of acres. How about that private interest, in which I suppose many citizens of my city are interested? I am not in favor of relieving them of some burden that naturally pertains to their proprietary interest and is not national in character.

Mr. FRENCH. Something like 200,000 acres of land belong to companies owning rather sizable areas. I have a memorandum of something like 10 of the concerns which own the largest acreage, the smallest one indicated being a 2,000-acre holding. It is indicated that the sum total is 200,000 acres and that something like 113,000 acres are to-day in merchantable timber, owned by those same concerns.

Mr. MILLIGAN. Mr. Chairman, I make a point of order. I think we should have the full membership of the House here. I make the point of order that there is not a quorum present.

The CHAIRMAN. The Chair will count. It is quite evident that there is not a quorum present.

Mr. FRENCH. Will the gentleman withdraw the point of order for a moment? I think we can come to an understanding

Mr. MILLIGAN. Mr. Chairman, there are only 18 Members present and the Delegate from the Philippine Islands. It is a very important question, the matter of taking over a policing of 500,000 acres of land, and I think we should have the full membership present to consider it.

I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. Evidently there is not a quorum present.

Mr. EVANS of Montana. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PARKER of Georgia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 6659 and had come to no resolution thereon.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 3282. An act to extend the times for commencing and completing the construction of a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco, by way of Goat Island, to Oakland; and

S. 3409. An act authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the Wichita Indian Reservation in Oklahoma to provide funds for purchase of other suitable burial sites for the Wichita Indians and affiliated bands.

WITHDRAWAL OF FILES

The SPEAKER. The Chair lays before the House the following request:

Mr. FRENCH asks leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 14190, Seventy-first Congress, third session, granting a pension to Frederick H. Bradbury, no adverse report having been made thereon.

Is there objection?

There was no objection.

APPEAL FOR A RULE ON PHILIPPINE INDEPENDENCE BILL

Mr. OSIAS. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. OSIAS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement before the Committee on Rules on the Philippine independence bill:

Mr. OSIAS. Mr. Chairman, you have listened to the chairman of the Committee on Insular Affairs [Mr. HARE] and the ranking member of the minority [Mr. KNUTSON] of the same committee, who stated that the bill before you (H. R. 7233) has merited practically the unanimous approval of the members of their committee. They took up the basic provisions of the bill, and I need not make repetitious arguments.

I am immensely gratified to have been given the privilege to voice the appeal of the people of the Philippine Islands who are anxiously awaiting early action on the bill granting them the independence which America promised and which I trust will be redeemed by this Congress.

During my incumbency in office as a representative of the Philippine Legislature and the Filipino people in the United States I have constantly and consistently made articulate our supreme aspiration for a free and independent life. In Congress and out of Congress I have sought to make our independence stand clear and unequivocal. It is certainly encouraging that both the Senate and the House committees charged with the duty and responsibility to pass upon legislation on Philippine affairs have now favorably reported out bills calculated to remove the present uncertainty of our situation and which is designed more definitely to bring to us the blessings of a self-governing existence.

This clearly is not the occasion for a lengthy discussion of the Philippine question. We are all busy and time is priceless. I shall limit myself to a plea for a rule on this measure, H. R. 7233, in order that the membership of the House may be given an opportunity for discussion, deliberation, and action.

Mr. Chairman, there is presented before you for decision a matter at once grave and momentous. This committee has it in its power to grant or deny action on a problem exceedingly vital to the relations between the peoples of the United States and the Philippine Islands and not without important significance to other peoples of the world. What you do can accelerate or retard the passage of this independence measure. I cherish the fond hope that you will heed our just petition and the confident belief that American statesmanship can not but align itself on the side of human freedom, a cause sanctified by sentiment and fortified by reason.

When you will grant a rule on this independence bill, a grateful people will know that you have acted in a manner befitting the spirit which animated magnanimous America at the incipiency of your Philippine occupation and that you have been actuated by the same noble purpose which made Washington a towering figure among the great liberators of the world.

ADJOURNMENT

Mr. EVANS of Montana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Thursday, March 24, 1932, at 12 o'clock noon.

COMMITTEE HEARINGS

Tentative list of committee hearings scheduled for Thursday, March 24, 1932, as reported to the floor leader by clerks of the several committees.

POST OFFICE AND POST ROADS

(10 a. m.)

To regulate the manufacture and sale of stamped envelopes (H. R. 8493, H. R. 8576).

INTERSTATE AND FOREIGN COMMERCE

(10.15 a. m.)

Railroad holding companies. Commissioner Eastman to continue testimony (H. R. 9059).

BANKING AND CURRENCY

(10.30 a. m.)

Guaranty fund for depositors in national banks, etc. (H. R. 10241).

PUBLIC LANDS

(10 a. m.)

Public domain bill (H. R. 5840).

COINAGE, WEIGHTS, AND MEASURES

(10 a. m. and 2 p. m.)

Silver investigation (H. Res. 72).

ELECTIONS NO. 2

(10 a. m.)

Disney-O'Connor contest.

PATENTS

(10 a. m.)

Copyright bill (H. R. 10740).

NAVAL AFFAIRS

(10 a. m.)

Subcommittee on private bills.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

500. A letter from the Secretary of War, transmitting a copy of a resolution, No. 46, adopted January 14 by the Provincial Board of Isabela, forwarding a resolution, No. 138, December 31, 1931, of the Municipal Council of Santiago, Isabela, Philippine Islands, relative to Philippine independence; to the Committee on Insular Affairs.

501. A letter from the secretary-treasurer of the Law Alumni Association of the Howard University, transmitting a copy of a resolution adopted by the association at a special meeting held March 18, 1932, indorsing House Resolution No. 160, authorizing an investigation into the affairs of Howard University; to the Committee on Rules.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DICKSTEIN: Committee on Immigration and Naturalization. H. R. 8877. A bill to clarify the application of the contract-labor provisions of the immigration laws to actors; without amendment (Rept. No. 876). Referred to the House Calendar.

Mr. CONNERY: Committee on Labor. H. R. 10739. A bill to provide that the prevailing rate of wages shall be paid to laborers and mechanics employed on certain public

works of the United States, the District of Columbia, the Territories, and the Panama Canal, and for other purposes; without amendment (Rept. No. 877). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 8031. A bill to provide for expenses of the Crow Indian Tribal Council and authorized delegates of the tribe; without amendment (Rept. No. 878). Referred to the Committee of the Whole House on the state of the Union.

Mr. LOOFBOUROW: Committee on Indian Affairs. H. R. 10086. A bill to amend the act of February 14, 1920, authorizing and directing the collection of fees for work done for the benefit of Indians; without amendment (Rept. No. 879). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 3569. An act to amend the act of May 27, 1930, authorizing an appropriation for the reconstruction and improvement of a road on the Shoshone Indian Reservation, Wyo.; without amendment (Rept. No. 880). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BUTLER: Committee on Claims. H. R. 1767. A bill for the relief of Pete Jelovac; with amendment (Rept. No. 874). Referred to the Committee of the Whole House.

Mr. BUTLER: Committee on Claims. H. R. 2917. A bill for the relief of Primo Tiburzio; with amendment (Rept. No. 875). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WRIGHT: A bill (H. R. 10773) to amend section 77 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. IGOE: A bill (H. R. 10774) to extend the time in which application may be made for the benefits of the disabled emergency officers' retirement act of May 24, 1928; to the Committee on World War Veterans' Legislation.

By Mr. PRATT: A bill (H. R. 10775) to extend the times for commencing and completing the construction of a bridge across the Hudson River at or near Catskill, Greene County, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAIL: A bill (H. R. 10776) to extend the specially meritorious medal to certain officers and men of the Navy and Marine Corps who served during the World War; to the Committee on Naval Affairs.

Mr. BACHMANN: Resolution (H. Res. 174) directing the president of the Reconstruction Finance Corporation to submit to the House of Representatives the name, place of residence, and annual salary of each official and employee of said corporation; to the Committee on Banking and Currency.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of South Carolina, memorializing Congress to pass House bill No. 1 and pay the soldiers' adjusted-service certificates; to the Committee on Ways and Means.

By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, favoring amendment to the Constitution to empower Congress to regulate hours of labor; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTON: A bill (H. R. 10777) for the relief of James Bragan; to the Committee on Military Affairs.

By Mr. CHAPMAN: A bill (H. R. 10778) for the relief of Irvin Pendleton; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 10779) granting a pension to Samuel Max Richter; to the Committee on Pensions.

By Mr. EVANS of Montana: A bill (H. R. 10780) for the relief of D. E. Lucier; to the Committee on Claims.

By Mr. GILLEN: A bill (H. R. 10781) granting a pension to Charles Hovermale; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Texas: A bill (H. R. 10782) granting a pension to Edwin Myers; to the Committee on Pensions.

By Mr. LANKFORD of Virginia: A bill (H. R. 10783) to place Lieut. Webster Cross, Supply Corps, United States Navy, on the list of past assistant paymasters next after Lieut. John A. Fields, Supply Corps, United States Navy, with the rank of lieutenant, Supply Corps, United States Navy, from August 3, 1920; to the Committee on Naval Affairs.

Also, a bill (H. R. 10784) for the relief of Mae C. Tibbett, administratrix; to the Committee on Claims.

By Mr. LUCE: A bill (H. R. 10785) for the relief of William Patrick White; to the Committee on Naval Affairs.

By Mr. MALONEY: A bill (H. R. 10786) for the relief of John Thornton; to the Committee on Military Affairs.

By Mr. NELSON of Maine: A bill (H. R. 10787) granting a pension to Mary E. Ramsdell; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 10788) granting a pension to Elizabeth J. Coburn; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 10789) granting an increase of pension to Libbie Achilles; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 10790) granting a pension to Cora E. Kellan; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10791) granting an increase of pension to Rebecca E. Spicher; to the Committee on Invalid Pensions.

By Mr. TIERNEY: A bill (H. R. 10792) for the relief of James W. Walters; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4815. By Mr. ARNOLD: Petition of representative citizens of Centralia, Ill., urging reduction in Federal expenditures, abolition of unnecessary bureaus and commissions, and reduction in salaries of Federal employees; to the Committee on Expenditures in the Executive Departments.

4816. By Mr. BLOOM: Petition of community councils of the city of New York, favoring the enactment of House bill 8765, to protect labor in its old age, and indorsing the principal that the Federal Government participate with the States and Territories in the old-age pension relief; to the Committee on Pensions.

4817. Also, petition of the Association of One Hundred Per Cent United States Women, earnestly urging favorable action on House bill 8549; to the Committee on the Judiciary.

4818. Also, petition of 660 residents of the State of New York, protesting against the passage of House bill 8092; to the Committee on the District of Columbia.

4819. Also, petition of 436 residents of the State of New York, opposing the passage of the compulsory Sunday observance bill, H. R. 8092; to the Committee on the District of Columbia.

4820. Also, petition of the hotel and restaurant owners and employees and those of allied industries, urging the modification of the Volstead Act; to the Committee on the Judiciary.

4821. Also, petition of American Hotel Association of the United States and Canada, urging restoration to the several States of the right of their people to enact such liquor laws as they may respectively choose, or if they wish, for the prohibition of the liquor trade, provided such legislation shall not conflict with the duty of the Federal Gov-

ernment to protect each State against violation of its laws by the citizens of other States; to the Committee on the Judiciary.

4822. By Mr. CAMPBELL of Iowa: Petition of 28 citizens of Odebolt, Sac County, Iowa, urging that Congress uphold the national defense act of 1920; to the Committee on Military Affairs.

4823. Also, petition of 48 citizens of Odebolt, Iowa, urging the passage of the widows and orphans' pension bill; to the Committee on Pensions.

4824. By Mr. CONNERY: Petition of the General Court of Massachusetts, favoring an amendment to regulate and to make uniform hours of labor throughout the United States; to the Committee on Labor.

4825. Also, petition of veterans and citizens of Springfield, Mo., favoring immediate payment of adjusted-service certificates; to the Committee on Ways and Means.

4826. Also, petition of veterans and citizens of Akron, Ohio, favoring immediate payment of the adjusted-service certificates; to the Committee on Ways and Means.

4827. By Mr. DICKINSON: Petition of citizens of Warrensburg, Mo., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

4828. By Mr. EVANS of California: Petition signed by approximately 125 persons, supporting the maintenance of the prohibition law and its enforcement; to the Committee on the Judiciary.

4829. Also, petition signed by approximately 36 citizens, opposing a resubmission of the eighteenth amendment; to the Committee on the Judiciary.

4830. By Mr. HOOPER: Petition of numerous residents of Battle Creek, Mich., protesting against the enactment of House bill 8092, or any other compulsory Sunday observance bills that have been or may be introduced; to the Committee on the District of Columbia.

4831. By Mr. HUDDLESTON: Petition of sundry residents of Birmingham, Ala., opposing a Sunday closing law for the District of Columbia; to the Committee on the District of Columbia.

4832. By Mr. JOHNSON of Texas: Petition of Sidney J. Files, secretary Itasca Cotton Manufacturing Co., Itasca, Tex., favoring House bill 6178; to the Committee on the Post Office and Post Roads.

4833. By Mr. KINZER: Resolution of Lititz Spring Council, No. 197, O. of I. A., Lititz, Pa., urging passage of legislation reducing immigration 90 per cent from quota and nonquota countries into the United States; to the Committee on Immigration and Naturalization.

4834. Also, resolution of Lancaster Council, No. 912, O. of I. A., Lancaster, Pa., urging passage of legislation reducing immigration 90 per cent from quota and nonquota countries into the United States; to the Committee on Immigration and Naturalization.

4835. Also, resolution of Lady Franklin Council, No. 85, S. and D. of L., Lancaster, Pa., urging passage of legislation reducing immigration 90 per cent from quota and nonquota countries into the United States; to the Committee on Immigration and Naturalization.

4836. Also, resolution of Intercourse Council, No. 650, Fraternal Patriotic Americans, Intercourse, Pa., urging passage of House Joint Resolutions 216 and 277 and House bill 9597; to the Committee on Immigration and Naturalization.

4837. Also, resolution of Millersville Council, No. 188, Fraternal Patriotic Americans, Millersville, Pa., urging the passage of House Joint Resolutions 216 and 277 and House bill 9597; to the Committee on Immigration and Naturalization.

4838. Also, resolution of Empire Council, No. 120, O. of I. A., Lancaster, Pa., urging passage of legislation reducing immigration 90 per cent from quota and nonquota countries into the United States; to the Committee on Immigration and Naturalization.

4839. By Mr. KVALE: Petition of Herbert K. Kellam Post of the American Legion, urging enactment of House bill 1; to the Committee on Ways and Means.

4840. Also, petition of 17 members of the A.-B. Post, No. 127, of the American Legion, Hanley Falls, Minn., urging enactment of House bill 1; to the Committee on Ways and Means.

4841. Also, petition of North Side Post, No. 230, American Legion, Minneapolis, Minn., urging enactment of House bill 1; to the Committee on Ways and Means.

4842. Also, petition of 17 independent merchants of Willmar, Minn., urging enactment of House bill 8930; to the Committee on the Judiciary.

4843. Also, petition of voters of Holland Township, Minn., urging enactment of Senate bill 2487; to the Committee on Agriculture.

4844. Also, petition of voters of Holland Township, Minn., protesting against the imposition of a sales tax; to the Committee on Ways and Means.

4845. Also, petition of Minnesota Live Stock Breeders' Association, protesting against the proposed sales tax; to the Committee on Ways and Means.

4846. Also, petition of Farmers' Local, Beardsley, Minn., protesting against the Federal gasoline tax; to the Committee on Ways and Means.

4847. Also, petition of Minnesota Live Stock Breeders' Association, favoring independence for the Philippines; to the Committee on the Territories.

4848. Also, petition of Minnesota Live Stock Breeders' Association, indorsing Resolution No. 12; to the Committee on Agriculture.

4849. Also, petition of citizens of Douglas County, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4850. Also, petition of Farmers' Elevator Association of Minnesota, demanding the repeal of the marketing act and the discharge of the Federal Farm Board; to the Committee on Agriculture.

4851. Also, petition of 45 residents of Sacred Heart, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4852. Also, petition of Taxpayers' Association of Rolette County, N. Dak., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4853. Also, petition of Appleton Association, Appleton, Minn., urging enactment of House bill 1; to the Committee on Ways and Means.

4854. Also, petition of Ladies' Auxiliary of the Veterans of Foreign Wars of Chisholm, Minn., urging enactment of House bill 7230; to the Committee on Pensions.

4855. Also, petition of Ladies' Auxiliary of the Veterans of Foreign Wars, of Chisholm, Minn., urging enactment of House bill 1; to the Committee on Ways and Means.

4856. Also, petition of 18 residents of Douglas County, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4857. Also, petition of Big Stone Local, No. 219, of the Farmers Union, Clinton, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4858. Also, petition of farmers and business men of Beeker County, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4859. Also, petition of Pension Club, No. 233, of Montevideo, Minn., urging enactment of House bill 9391; to the Committee on Pensions.

4860. Also, petition of 38 members of the American Legion of Minnesota, urging enactment of House bill 1; to the Committee on Ways and Means.

4861. Also, petition of North Star Local, No. 97, Renville, Minn., protesting against the entire sales tax, and particularly the tax on gasoline; to the Committee on Ways and Means.

4862. Also, petition of North Star Local, No. 97, Renville, Minn., urging enactment of Senate bill 1197; to the Committee on Banking and Currency.

4863. Also, petition of North Star Local, No. 97, Renville, Minn., urging enactment of Senate bill 2487 and House bill 7797; to the Committee on Agriculture.

4864. By Mr. LINDSAY: Petition of Nichols Copper Co., Laurel Hill, Long Island, N. Y., favoring the passage of House Resolution 319; to the Committee on Ways and Means.

4865. Also, petition of Warrior Ideal Democratic Organization, 9 Seigel Street, Brooklyn, N. Y., favoring a universal 5-day week; to the Committee on Labor.

4866. Also, petition of Louis Brosky, 213 Kent Street, Brooklyn, N. Y., executive secretary of the Unemployed and Unattached Veterans of Greenpoint, Brooklyn, N. Y., favoring the immediate payment of the adjusted-service certificates, House bill 1; to the Committee on Ways and Means.

4867. By Mr. NELSON of Maine: Petition of George S. Staples and 86 other citizens of Maine, urging support for House bill 9891, to provide pensions for certain railroad employees; to the Committee on Interstate and Foreign Commerce.

4868. By Mr. NOLAN: Petition of the city of Minneapolis, indorsing the Shipstead-Mansfield bill financing the river and harbor projects; to the Committee on Rivers and Harbors.

4869. Also, petition of organizations in Minneapolis, Minn., relative to the enactment of a law providing for Federal supervision of motion pictures; to the Committee on the Judiciary.

4870. By Mr. PEAVEY: Petition of numerous citizens residing at Ashland, Wis., protesting against compulsory Sunday observance; to the Committee on the Judiciary.

4871. By Mr. RAINEY: Petition of Robert Franknecht and 24 other citizens of Chicago, Ill., favoring the reduction of the Federal deficit without inflation by utilizing fully idle gold and other guaranties of currency; to the Committee on Banking and Currency.

4872. By Mr. ROBINSON: Petition signed by Henry Theed, jr., of Gladbrook, Iowa, and 18 other citizens of Gladbrook, Iowa, opposing the Federal sales tax; to the Committee on Ways and Means.

4873. Also, petition signed by George H. Hake, Belmond, Iowa, and about 100 other citizens of Belmond, Iowa, opposing the theater admission tax on the lower admission classifications, feeling that it will seriously handicap both local theater and general business conditions and cause the closing of many theaters in the smaller communities; to the Committee on Ways and Means.

4874. Also, petition signed by F. M. Kachelhoffer, of the Ackley Gun Club, Ackley, Iowa, and 42 others from Ackley and near-by towns, protesting against the 1-cent tax on shotgun shells; to the Committee on Ways and Means.

4875. By Mr. RUDD: Petition of Nestles Milk Products Co., New York City, favoring exemption of malt sirup in the proposed sales tax; to the Committee on Ways and Means.

4876. Also, petition of Association of Army Employees, Governors Island, N. Y., opposing salary reduction; to the Committee on Appropriations.

4877. Also, petition of William P. McGervey, Pittsburgh, Pa., referring to deduction of losses on worthless bank stock; to the Committee on Ways and Means.

4878. Also, petition of Richey, Browne & Donald, Maspeth, Long Island, N. Y., referring to the sales tax; to the Committee on Ways and Means.

4879. Also, petition of Ann Rose Frocks (Inc.) opposing the manufacturers' sales tax; to the Committee on Ways and Means.

4880. Also, petition of allied salesmen of the Garment Industry (Inc.), New York City, opposing the sales tax; to the Committee on Ways and Means.

4881. By Mr. SCHNEIDER: Petition of residents of Hortonville, Wis., protesting against the levy of a sales tax on sausage, lard, canned meat, and cooked ham; to the Committee on Ways and Means.

4882. By Mr. SEGER: Letter from William Green, president of the American Federation of Labor, opposing any reduction in salaries of Federal employees; to the Committee on Expenditures in the Executive Departments.

4883. By Mr. SHOTT: Petition of 100 members of Williamson Chamber of Commerce, and including the representatives of the wholesale and retail merchants, bankers, and manufacturers of Williamson, W. Va., urging that Congress enact legislation providing that bus and truck lines be placed under the rules and regulations and direction of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

4884. By Mr. STALKER: Petition of members of the Woman's Christian Temperance Union of Washington, D. C., opposing the resubmission of the eighteenth amendment to be ratified by State conventions or by State legislatures, and supporting adequate appropriations for law enforcement and for education in law observance; to the Committee on the Judiciary.

4885. Also, petition of residents of Hornell, N. Y., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

4886. By Mr. SWANSON: Petition of Parent-Teacher Council of Council Bluffs, Iowa, favoring House bills 5859 and 1867, for investigation of communists and for strengthening of immigration laws; to the Committee on the Judiciary.

4887. By Mr. SWING: Petition signed by 58 citizens of San Diego, Calif., protesting against legislation making Sunday observance compulsory; to the Committee on the District of Columbia.

4888. By Mr. TEMPLE: Petition of Grand Theater, 104 East Lincoln Avenue, McDonald, Pa., suggesting amendments to the Vestal bill; to the Committee on Patents.

4889. By Mr. TIERNEY: Petition relating to General Pulaski's Memorial Day; to the Committee on the Judiciary.

SENATE

THURSDAY, MARCH 24, 1932

(Legislative day of Wednesday, March 23, 1932)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 1590) granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 8087. An act authorizing the Secretary of the Interior to vacate withdrawals of public lands under the reclamation law, with reservation of rights, ways, and easements;

H. R. 8914. An act to accept the grant by the State of Montana of concurrent police jurisdiction over the rights of way of the Blackfeet Highway, and over the rights of way of its connections with the Glacier National Park road system on the Blackfeet Indian Reservation in the State of Montana; and

H. R. 10495. An act amending an act of Congress approved February 28, 1919 (40 Stat. L. 1206), granting the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water, and for other purposes, so as to include additional lands.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3282. An act to extend the times for commencing and completing the construction of a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland; and

S. 3409. An act authorizing the Secretary of the Interior to sell certain unused Indian cemetery reserves on the